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FUNDAMENTALS OF ETHICS

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VALUATION: ITS NATURE AND LAWS
THE INTELLIGIBLE WORLD, ETC.

FUNDAMENTALS OF ETHICS

AN INTRODUCTION TO MORAL PHILOSOPHY

BY

WILBUR MARSHALL URBAN

STONE PROFESSOR OF PHILOSOPHY
IN DARTMOUTH COLLEGE

NEW YORK
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To
The Many Dartmouth Students
WHO
BY THEIR UNFEIGNED INTEREST IN HUMAN GOOD
HAVE MADE THE TEACHING OF ETHICS
A PLEASURE AND NOT A TASK

PREFACE

The title is a fair description of the nature and purpose of the book. The choice of subject matter and the arrangement of topics are the results of many years' experience in teaching undergraduates in American colleges, and represent what seems to the author to be the *minimum* of an introductory course in Ethics—what may properly be described as the fundamentals of the subject.

An introductory course in ethics in the American college has come to have a double object and to fulfill a double function. Its primary purpose is doubtless practical. It has a unique place among the social sciences, in that it constitutes the one subject in which students are systematically trained in the understanding and evaluation of human conduct or behavior in both its individual and social aspects. For this reason it has rightly come to include more and more the moral problems connected with the economic and institutional life of man. On the other hand, ethics is for many students their introductory course in philosophy—for some their only course. Historically, ethics has always been a part of philosophy and is ordinarily taught by philosophers. It scarcely fulfills its function if it does not awake the student's mind to those more profound problems of human life called metaphysical, and does not stimulate him to philosophical thinking and study. It has long seemed to the writer that a course in ethics should serve both these ends, and an attempt to do so has been made in the present work.

The division of the book into three parts follows naturally from this conception of the course. Part I, entitled *Moral Theory,* aims to present to the student the results of reflective thinking in morals and to make him acquainted with the fundamental ethical concepts and theories that have emerged. The method sometimes followed—of beginning with what are called facts rather than theory; in other words, with the psychology and sociology of the moral life—has its merits; but it has the defect of putting off too long the discussion of moral problems themselves, in which the beginner has a natural interest, and often dissipates that interest before the vital problems are reached. I am convinced that the method here followed is pedagogically the sounder, and I have never found any difficulty in securing the student's interest in ethical theory. It should be made sufficiently clear to him that only in this way can he approach intelligently the practical problems of the moral life. Chapter II is specifically designed to achieve this result.

Part II, by far the longer portion of the book, is entitled *Moral Practice.* The object here is to make the student vitally aware of the moral problems of the modern world. Emphasis is put upon the ideas of rights, duties and justice, the object being to provide the student with clear working conceptions with which he may approach the vexed questions of our present economic and social life. The conception of human values is made central and laws and institutions are viewed as embodiments of these values. In the treatment of the ethical institutions of society, the teacher is always faced with the problem of choosing between a sketchy treatment of all our institutions or a more thorough handling of selected ones. Experience has taught me that the latter is the better method. I have, accordingly emphasized the basal institutions of Property and the Family. This limitation has made possible a more extended and detailed examination of special problems.

Part III is entitled *Moral Philosophy.* Of all the questions raised by philosophy, those connected with morals are, I think, the most natural to the ordinary man. It is easy to live—even to live an intellectual life of sorts—without ever asking the kind of questions that arise out of the physical sciences. But once the student has been faced with the problem of obligation and of the good, even the most ordinary mind finds itself alive to philosophical problems. Moral philosophy, as T. H. Green recognized in his *Prolegomena to Ethics*, for a time fell into disrepute, but with the renewed interest in philosophy generally, this side of ethics is coming into the foreground again. I have found that it is the part of ethics which arouses most interest in my students. The modern student is critical—and often even sceptical—in morals. He demands that these more fundamental problems shall not be ignored.

The idea of Value is central throughout the work—from the introductory chapter to the closing discussion of the relation of morals and religion. This procedure has a double justification. Ethics has come to be recognized as part of a general theory of value, and the more recent text-books very properly emphasize this aspect. On the other hand, it is generally agreed—by all schools of philosophy—that the central problem in modern thought is the place of values (including our moral values) in the world as revealed by the natural and physical sciences. I have confined myself here to the simplest notions and so arranged the material that this phase of the treatment may be emphasized or not, as the teacher chooses.

In the choice of what have seemed to me to be the fundamentals of ethics, it has been necessary to reduce to a *minimum* the psychological and sociological aspects that have bulked so large in some recent text-books. These aspects of the subject have not been ignored, but I have found it more useful to emphasize the relations of ethics to economics and law. In every case where psychology or anthropology have thrown light on the facts of the moral life these contributions have been utilized. In addition, carefully selected books of reference make it possible for the student to read more widely along these lines. In general, I have found these aspects of ethics admirably adapted for assignments in outside work. The student is usually interested in following out the clues given in the discussions of the text, and investigations of this nature, being largely of a factual character, are usually entirely within his competence.

The list of references for further reading, to be found at the end of each chapter, have been selected with considerable care. They include references to other text-books and to books of a more or less popular character, but also to contributions of the more permanent and substantial sort. I have given a rather large number for two reasons. Frequently a student cannot secure a particular book in the library and it is desirable that sufficient alternatives should be available. In the second place, a large number of references makes it possible for the teacher to advise those which fit in with his own purposes. The few books starred in each list represent something of a minimum of reading. All are books suited to the ordinary student, but many of those not starred are of the same grade of difficulty.

W. M. U.

Hanover, New Hampshire, April 7, 1930

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FUNDAMENTALS OF ETHICS

CHAPTER I

THE NATURE AND SCOPE OF ETHICS

THE OBJECT OF ETHICS AS A STUDY

On entering upon the study of any subject it is only natural that one should ask: What is its use? What is its value? This is an entirely proper question. There is also no better way of getting a preliminary notion or definition of a subject. Few things in this world are done without some purpose; it is only human that the student should ask: What is the good of the study to which he devotes his time.

What is the good of mathematics? It teaches us how to calculate and measure. Why do we study physics, biology, economics? Every one of these "sciences" or fields of knowledge is related directly to certain well-recognized fields of human action—to the making of machines of some kind, to the care and cure of living organisms, as in medicine, or to the organization and direction of human activities of exchange, banking, etc.; and it is in the first instance because of relations of utility of this kind that the student makes choice of his respective studies. It is true that there is what we call pure science, knowledge for its own sake—and it is a well-recognized fact not only that such knowledge is of intrinsic worth, but also that it is largely in the pursuit of it that the practical applications of science have been discovered. Nevertheless, it is the practical in knowledge that first attracts our interest, and in this respect ethics is no exception to the general rule.

Why then do we study ethics? The simplest answer is: It tells us how to act rightly; what actions are right or wrong, good or bad. We frequently find ethics defined as the science which deals with conduct in so far as this is considered right or wrong, good or bad.

Now it needs no argument to show that if there is a study that tells us how to act rightly, it is a very important one. If there is a "science," or field of human knowledge, that can tell us what actions are right or wrong, what are good or bad, it must take an important place in our scheme of human knowledge and in any system of education. In the first place, it is clear, on the slightest reflection, that the most important thing to know in this world and in this life, is what is good and what is bad. We all recognize that there are right and wrong ways of doing things. There is, for instance, a right way and a wrong way of building a bridge, a right way and a wrong way of performing a surgical operation, right ways and wrong ways of doing business, of carrying on economic operations. What is good and what is bad in these cases is relatively simple. A good bridge is one that is safe for travel. A good operation is one that saves a human life or restores an organ to its normal functioning. Good business practice is that which shows a profit. There are right and wrong ways of doing all these things and it is important that engineer, surgeon, and merchant should learn these ways. But all these things have to do with the *means* or instruments of life, and it is also important to know what are the right ends. It is possible for a man to know all about means to accomplish ends but have very little sense for the ends of life themselves. It is possible for a man to be very keen in business, or his technical field, but be very stupid about the values of life. In other words there are also right and wrong ways of doing things in the larger relations of life, in the business of living itself, and it is with these that ethics is concerned.

The obligation of being intelligent is almost the first law of our modern life and the place of all places where it is in chief demand is in the world of human and moral relations.

The importance of knowing what is good and what is bad in human behavior or action would scarcely be denied by any one. If there is a "science" that can tell us this it is clearly a very important field of human knowledge and a very practical field of study. There are those, it must be admitted, who do not share this opinion.

There are some who deny the importance of ethics because they think that men already know without any special knowledge, what is good or bad, right or wrong. The "healthy human understanding" tells us clearly enough what we ought to do. The difficulty is not lack of knowledge but lack of good will. To such it is merely necessary to point to the genuine moral confusion of our time. In the kaleidoscopic changes of the modern world men are often honestly at sea as to what *is* right and wrong. Again, it is often denied that there is actually any such field of knowledge as a science of morals. Men quote the famous words, "there's nothing good or bad but thinking makes it so", meaning thereby that moral distinctions are matters of personal feeling or of group opinion, and lack entirely that objectivity that belongs to knowledge. This subjectivism or scepticism, as it is often called, would, indeed, if justified, make impossible any "science" of ethics. Whether ethics *is* a science is a question that must be examined, as must indeed the whole problem of moral scepticism; here we need only say that practically there is little doubt that there is moral knowledge of some sort, that truth may be discovered in the field of morals and that it may be organized and imparted to others. To doubt this seems to be one of those gratuitous cases of scepticism, of doubt for doubt's sake, which, while a useful device in philosophical study, is a "silly theory" in practical life.

DEFINITION OF ETHICS

The definition of ethics arises then strictly out of its use or value as a study. The simplest definition is in a sense the best. Ethics is the science that deals with conduct in so far as it is considered right or wrong, good or bad.

The meaning of these terms, right and wrong, good and bad we understand in a sense immediately—just as we understand the terms, hot and cold, true and false. I do not mean, of course, that we necessarily know immediately *what* things are good and bad, what actions are right and wrong, but that the ideas or notions themselves are immediately understandable. Just what things are hot and cold we learn only by experience. What is true or false we learn only by certain methods of verification or testing. But the meaning of the terms is in a sense given to us immediately. The same seems to be true of the terms good and bad, right and wrong. But this does not mean that we can not make the meanings of these terms clearer to ourselves by definition. Definition does not create meanings, but makes the meanings more definite. Let us start out then by trying to distinguish between these three kinds of terms. We may say that terms like hot and cold have to do with the *qualities* of things; true and false with the *reasons* or causes, of things; good and bad with the *values* of things. Ethics then is the study which deals with the values of things.

Just what this distinction means may be made clear by considering two types of questions which we are always asking from childhood up. We wish to know the "how" of a thing and the "why" of a thing, the "cause" of a thing and the "good" of a thing.

The child wonders how it is the fire burns, why the wheels of a watch go round, why his stomach hurts. This "wonder" or curiosity is the beginning of all investigation and ends in what we call knowledge or science. Newton, we are told, asked why the apple falls to the ground and discovered as his answer the "law" of gravitation. Scientists asked why it is that two rays of light, coming from objects at different distances, take the same time, and the complete answer to that question led to the formulation of the theory of relativity by Einstein, which involved not only a reinterpretation of gravitation, but a reconstruction of our notions of space and time themselves. When science is developed, it consists of a body of answers to certain general questions of this sort. Science is thus systematized explaining.

But just as the child, and all of us, are constantly asking the *why* of things, so we are constantly asking the *wherefore*. What is the good of this? The child, for instance, wants to know what is the good of brushing his teeth, of learning arithmetic or grammar. What's the good of poetry? These questions, and others like them, we continue to ask all our life. And our wondering here is the beginning of an investigation which ends also in a certain body of knowledge and understanding which we may describe as systematized valuing. The child may ask: what's the good of going to school, or of going to church and he may see no good in either. But he may come to see good in both, to see what we call reasons for doing these things; and the value of the particular act becomes part of a larger scheme of life and life's values—of systematized valuing. He may come to see good in poetry and that involves seeing the relation of what we call esthetic values to other values of life, such as the practical and the scientific.

But the mind may go even further than this in its thought about the values of things and actions. Even the child asks: What's the good of being good?—and in that question is involved the ultimate problem of ethics. For he is asking why there should be any distinction between good and bad at all. An answer to that question would take him to the very heart of ethical theory. Or he may, when he is a little older, ask: what's the good of it all anyway?—He is then wondering whether there is any ultimate meaning or value to life at all and the world in which he finds himself. He is thus led from ethics into still more ultimate questions which we call philosophical or metaphysical.

ETHICS AS A NORMATIVE SCIENCE

Ethics is then, in the last anaylsis, just the science of systematized valuing; or, otherwise expressed, the valuing activity of man made systematic.

This second definition raises certain fundamental problems which must at least be touched upon in this introductory chapter. It will be well to state them first before taking them up in detail. The first of these is expressed in the question: Is this systematized valuing which we have described, properly termed science? If so, how is it related to that process of systematized explaining to which we ordinarily attach the name of "science"? In the second place we must seek to form some clear notion, in a preliminary way at least, of what value is, of what it is that makes an object good or bad, what it is that makes things and acts have or not have value. Finally we shall do well to ask whether ethics is coextensive with the field of systematized valuing, as we have suggested, or only one of a number of such sciences.

The distinction we have just made between the explaining and the valuing side of man's nature and intelligence is an important one. If not an absolute distinction—as surely it is not—it is a relative difference of such significance that to confuse the two is to confuse many issues, both in science and in philosophy. The two types of questions—what is the cause of a thing, and what is the good of a thing—are, in the first instance at least, so different that the answer to one question is of a different type from the answer to the other.

For one thing, to answer the first of these questions does not in the least answer the second. Thus, to tell how a human custom, or any form of conduct, came into being does not necessarily tell the good or bad of it. The causes which first led to the wearing of clothes, or any other human practice, do not at all correspond with the reasons for wearing them now. In general, it may be said that explaining or understanding a thing by carrying it back to its causes and origins is quite different from explaining or understanding it by seeing its purpose or end, or in other words, its value.

DESCRIPTIVE AND NORMATIVE SCIENCES

The distinction we have attempted to make here has been constantly recognized in the history of philosophic thought, and special names have been given to these two types of thinking and of knowledge. A distinction of long standing is that between descriptive and normative sciences.

By descriptive science is understood that type of knowledge which we have characterized as systematized explaining. The idea underlying this designation is that the object of knowledge in this field is ultimately to know *what* a thing really is. But we can know the "what" of a thing only by discovering its relations to other things, and one of the most important of these relations is that of cause and effect. It is for this reason that science has sometimes been described as the discovery of the causes of things.

By normative science, on the other hand, is understood something quite different. It is, as we have said, systematized valuing. By discovering the values of things, more especially the relative values of things, we also discover what *ought* to be as well as what merely *is*. For if we find out that one thing is better than another, we also discover that in general that thing ought to be rather than the other. The forms of conduct or behavior which have this character of *oughtness* are then called standards or *norms*. Thus to define ethics as the science of relative values is really at the same time to define it as a normative science, and to define it as a normative science is to define it as a science of values.

The distinction here made is sometimes confused by the fact that the term norm is also used in the merely descriptive or natural sciences. But when so used it has a quite different meaning. In a merely descriptive science a norm is simply the usual or average—in form, in size, or function. Thus in biology we speak of the members of a species varying about a norm. In psychology we speak of norms of reaction to stimuli, etc., and in mental testing we speak of what is normal for a child of such and such an age. Fluctuations from the normal, in this sense, constantly occur, and when within moderate limits are still considered normal; but when they exceed such limits they gradually pass into the abnormal. Abnormal psychology is a study of the variation from the average, in thought, feeling, and volition, of such a degree and character as to involve non-adaptation or mal-adjustment of the individual.

This is, of course, a proper use of the term norm in such sciences as biology and psychology but it is not the proper use in fields like those of ethics or law. In the former case the norm is still merely a descripton of what is. There is no *ought* in it except in the sense that one might say that what usually is ought to be. Some people do indeed imply this in their use of the term norm, but without real justification. They identify the "natural" with the normal, as for instance when they think of the natural and normal expression of the sex instinct as the same thing. Such use suffers, however, from a serious ambiguity in the term natural. What is natural on one stage of development may be unnatural and abnormal on another. But the confusion of thought goes much deeper than this. The variations from the norm, in the merely descriptive sense, are as much a part of nature as the norm itself, the abnormal is as much a part of nature as the normal.

It seems clear then that a norm of conduct or behavior, as used in ethics, is something quite different from a norm in a descriptive science such as biology or psychology. This difference is sometimes expressed in the following way. A norm, in the ethical sense, is defined as any principle which controls action through thought or emotion. Now a norm is a principle that controls action. It also controls it through thought and emotion. No principle can be grasped except through thought and no thought passes into action except through feeling. But this does not go to the heart of the matter. That which makes a principle a norm is that it controls action through consciousness of value and *through the sense of obligation or "ought" that arises from this consciousness of value.*

With this it is clear also that a norm is something very much more than a description. In a sense it is a description also—of the morally good and the humanly valuable. As such, it purports to give us a true account of matter of fact—of what *is* right and what *is* wrong. But a norm or standard is more than a mere description of the matter of fact of the moral life; it is at the same time a delineation of an ideal. A standard *is* a standard precisely because it is an ideal that is meant to be realized or carried out in conduct. A norm is a norm just because it tells us what ought to be rather than merely that which always actually is.

It is sometimes said that the descriptive sciences deal with facts, the normative sciences with values. This is at best a very crude way of speaking. Are not values facts? Is not a norm as much a part of the objective world as a law? Most certainly. The law of gravitation is as much a part of reality as the stones and planets which the law "controls". A norm is as much a part of reality as the acts, the appreciations and the judgments it determines. The significant point is that both "law" and "norm" are facts in a somewhat different sense from the stones and stars or from the acts and the emotions which they control. Just what this difference is—and the implications of the difference—are problems of philosophy and will demand our consideration in a later connection (Chapter XV). Here the important point is to recognize that to establish a norm is to establish a truth also, or a form of knowledge. If I come to learn that one act is better than another, that men have rights to certain things and ought to have them, that is knowledge (and not mere opinion) just as much as learning the laws of nature is knowledge.

IS ETHICS REALLY SCIENCE?

Is then knowledge of the preceding kind really science? It is often denied that ethics is a science at all and a good deal of breath has been wasted in arguing the question. As is often the case in such disputes, the question is largely, although not wholly, verbal; it depends to a large extent on our definition of science.

Few would deny that ethics contains knowledge, or that it is knowledge of a systematized kind. If science be defined as systematized knowledge, then there is no question that ethics is a science. But science is sometimes defined in ways that would exclude ethics. It is sometimes limited to explaining or giving the causes of things and sometimes confined to some particular method such as that of verification by experiment. But it is important to note that if we define it in the first way we exclude such important sciences as mathematics and logic which do not deal with causes at all, but with entirely different kinds of relations. Indeed both these sciences are often classified as normative. If, on the other hand, we confine science to such knowledge as admits of verification by experiment, we must again exclude other vast fields of systematized knowledge such as we find in the economic and social sciences. In general it may be said that the narrower views of science, so characteristic of the latter part of the nineteenth century, are passing out and science is recovering its old meaning of systematized knowledge. In this broader meaning of the term ethics may certainly be called a science.

ETHICS AND THE DESCRIPTIVE SCIENCES

The distinction between the normative and the descriptive, between what is and what ought to be—between fact and value—is clear enough. We must now try to determine their relations and the relations between the two types of knowledge or science. The relation is not easy to define clearly and satisfactorily. Perhaps we may get at it indirectly at first by seeing what descriptive sciences ethics calls on most for help, with which it is most closely related.

Physics and chemistry are most important sciences. It is only by the knowledge which we get from them that we can control a large part of our environment and physical things may be made useful to man. But we should hardly call on them to any extent to enable us either to understand or evaluate human conduct. It is true that man's behavior is to a degree dependent upon chemical processes in the human body. If it is possible to show that the failure to function properly of a gland in the body has resulted in a weakening of what we call the moral sense, it is of the utmost importance to know that fact and a knowledge of the chemistry of gland secretions may enable us to effect a change. But no such knowledge can tell us the slightest thing about the nature or meaning of the moral sense thus conditioned, or of the good or bad of the moral conduct to which the moral sense refers.

The biological sciences are much closer to the moral, for the reason that they are concerned with life and the behavior of living organisms. Man is a living organism and the simple instincts or drives which are the primary conditions of his behavior are understandable first of all in relation to the survival and furtherance of the biological life. So important is this relation that there have been ethical thinkers who have sought to explain the origin and development of morals in biological causes, as well as to define the nature of the good merely in biological terms. In this they are, as we shall see, quite wrong, but it remains true that ethics has learned much from biology. Whatever else man is, he is also an animal with a body. Large fields of morals, such for instance as sexual morals, must have the biological functions constantly in mind. It is true that, as Professor Conklin, the biologist, has pointed out, direct analogies from animals to men lead to all kinds of fallacies and illusions. But the fact that the moral life of man is biologically conditioned can not be denied. The intimate relation between ethics and biology can be seen from the fact, that if any one should propose an ideal of conduct that led progressively to the organic deterioration and death of the human species, we should feel compelled forthwith to call it wrong.

Still closer are the relations of ethics to such descriptive, although humanistic, sciences as psychology and anthropology (or the social sciences in general). There are many points at which ethics appeals to psychology in matters of fact and to sociology for knowledge of the social structure of the society of which ethical institutions are a part. Thus ethical thinkers have at times said many things about human nature and its motives which have turned out to be psychologically untrue. They have said that man is always consciously seeking pleasure. They have said that man has innate or inborn ideas or sentiments of right and wrong. They have based many of their reasonings on the assumption that man has certain specific instincts, such for instance as an instinct for monogamy or against incest. All such statements—of psychological matter of fact—are essentially matters for psychology and subject to the revision of the psychologist. The same situation is evident in connection with a science such as anthropology. Ethical thinkers have at times said many things about the primitive institutions and forms of life which have also turned out to be untrue. They have based ethical arguments and theories on assumptions regarding matter of fact that could not be maintained. In such fields as the ethics of property and of the family, ethics must constantly look to the anthropologist for his facts, and in all cases where factual matters are involved its statements are subject to revision on his part. In general it may be said that the uses of psychology and anthropology to the moralist are in confirming and correcting his knowledge of human nature, in broadening and deepening his insight into conduct or behavior, both individual and social.

It is clear then that ethics can not get along without the use of the sciences of life and mind; the entire question is how it shall use them. One way often proposed is to base ethics on these sciences or to make it but a part of them. There have been those who have looked upon ethics as merely a chapter in biology or psychology or anthropology as the case may be. This is coming to be recognized as a wrong conception. Ethics has, we shall see, its own facts and its own problems, and to a degree its own methods and procedure. To put the situation briefly and in the most general terms, all these sciences may help us to understand how what we call the good and evil tendencies of man have come about, but in themselves they are incompetent to furnish any reasons why what we call the good is preferable to what we call evil. The causes of a thing are not to be identified with the reasons for it.

The true way of using the sciences of life and mind in ethics has already been suggested in the illustrations given. These sciences have given us systematized bodies of knowledge about the biological, the social and the psychological life of man. Ethics seeks to determine what is the "good life" for man, what forms of behavior are favorable or inimical to that life. But we can not make true statements about the values of life if our propositions about the facts of life are false. In other words, ethics seeks to determine what ought to be, but it can do so only on the basis of adequate knowledge of what is.

THE IDEA OF VALUE. PRELIMINARY DEFINITIONS AND CONCEPTIONS

The idea of value is the basal concept of ethics. As we shall see presently, one of the most important questions of ethical theory is just this: what makes things good or bad—wherein value, positive or negative, ultimately consists. Let us for the moment merely examine the general idea of value as used in all the value sciences.

The simplest and most general notion with which almost everybody begins is that value is that which satisfies human desire. All things that satisfy human desire *have* value, or are good. This we may call the *first* definition of value.

This definition of value is simple, clear and intelligible so far as it goes. In a simple or primitive community the good or value of any object or action is immediately understood and readily explained. The South Sea Islander knows what is the good of fishing. It is to satisfy his hunger. He knows what is the good of climbing for milk cocoanuts; it is to quench his thirst. He knows what is the good of sacrificing to the gods. It brings rain or makes him victorious over his enemies. He knows what is the good of everything he does. It is to satisfy his desires and to preserve his life and that of his tribe.

If the savage could rise to the abstract level of conceptual definition, he would undoubtedly define value as anything that satisfies human desires. But even the primitive probably sees a bit deeper than this. These things satisfy his desires, but they also preserve his life and that of his tribe. Even he is conscious of a relation between satisfaction of desire and the preservation and furtherance of life. Again, if he could use abstract language, he would in all probability say that the good is that which furthers life, the bad that which arrests or hinders it. In any case, we see the relation of value to life, a relation which has led to the formulation of what we may call our *second* definition of value—as anything that furthers or conserves life. From this point of view, value may be defined as "a vital phenomenon appearing in a psychological form."

This second definition of value is also clear and intelligible as far as it goes. But, like the first, it also does not go far enough. It is an admirable definition of value for primitive forms of life. It is easy to see what is good in the world of animal life. It may be described almost completely in terms of adjustment to environment and consequent survival; value here is essentially survival value. It is almost as easy to see what is good and what is bad behavior in the case of primitive man, because his ends are limited and his aims narrow. Looking back today, we may see that in the main his customs and folk-ways correspond to the conditions of biological life, and have what we call survival value. Even his sacrifice to the gods, while in itself unable to bring him rain or make him victorious over his enemies, may have had a secondary value of consolidating the tribe and thus making it more able to survive. But such a conception of value is wholly inadequate when we come to complex civilizations such as our own. Men's wants are much more numerous and complex; the aims they set themselves are often most comprehensive and remote. It becomes extremely difficult to see the value of the actions they perform and of the knowledge they acquire in terms of such simple definitions. We may say, to start with, that anything is good that conserves or enhances life, but we soon find that we are compelled, like Aristotle, to distinguish between mere life, or living as such, and the "good life," or living well; that life is not necessarily a good in itself, but gets its value rather from that which living realizes.

Ethical thinkers have, in the main, felt that such a line of thought is inevitable, and the further developments of our study will show, I think, that this is so. In that case we are driven to a *third* definition of value, namely, *that alone is ultimately and intrinsically valuable that leads to the development of selves, or to self-realization.* In the beginning it appears that whatever satisfies desire is a good or value. But we find on closer examination that our wants and desires must themselves in turn be valued in terms of their relation to the survival and enhancement of life. Life itself is, however, not intrinsically valuable, but in turn gets its value from the kind of life it is. Precisely what is the good life for man is, of course, the fundamental problem of ethics, and we do not propose to attempt to solve it in the Introduction. Even at this point it is clear, however, that value for man must go beyond the concepts of satisfaction of desire and organic welfare. Whatever else men are, they are persons or selves and no adequate conception of human value can be formed without including the concept of self-realization. The "human standard of value is," as J. A. Hobson says in considering economics from this point of view, "to value every act of production and consumption with regard to the aggregate effect on the life and the *character* of the agents." (Italics mine.)

Ethics is the science of critical evaluation or of systematized valuing. In carrying out this task we must make use of these different conceptions or definitions of value.

Value in the first place is that which satisfies any want or desire. But with reflection we come to evaluate the desires themselves. Thus, from one point of view, grain distilled into whiskey is a good and has economic value. It satisfies human desire and a social want. But we may question the good of the desire and the value of the demand. From the standpoint of our second definition of value, grain thus used may conceivably have a negative value, or at least have less value than when turned into flour and bread. This does not mean that the grain turned into whiskey does not have economic value, in the sense of price. It may indeed have a higher price than bread, because of the greater demand. It means simply that our judgments of value in terms of the first conception may require revision in terms of the second. Still more is this clear when we bring in the third conception or definition of value—when in other words we consider not only the biological life and organic welfare, but also the character of the agents and the life, individual and social, in which that character is developed and formed.

A second fundamental distinction is necessary in all critical or systematized evaluation of objects and actions, namely between value as instrumental and value as immediate and intrinsic. A great number of things in the world are not valuable in themselves, but only because they are means for the realization of other ends or values. In the preceding illustration, the grain has value only as a means to life or to the satisfaction of certain wants or desires. Means are only valuable with the actual value attributed to their real ends, and this attribution, if it is to be valid, always involves a situation in which the end-value is directly and immediately experienced. As contrasted with instrumental value, we may define intrinsic value in the following way. An intrinsic value is not merely one of the means of living well, but part of the actual content of the good life, or rather one aspect of the nature or character of the good life itself.

This distinction is of the utmost importance in the study of the relations of ethics to other value sciences such as economics and jurisprudence. In general it may be said that the latter deal only with instrumental values, ethics being concerned with intrinsic as well as instrumental. To a more detailed study of the relation of these fields we must now turn.

THE FIELD OF ETHICS. ETHICS AND OTHER VALUE SCIENCES

We defined ethics first as the science which deals with conduct (or behavior) in so far as this is considered good or bad, right or wrong. In developing the meaning of the terms good and bad, right and wrong, we were led to the further conception of ethics as the science of systematized valuing. This conception of ethics gives it a very wide scope; it makes it coextensive with the entire valuing side of life.

But is not the field of ethics actually much narrower? Undoubtedly it is in the minds of most people. Morality is thought of as being but a part of life, and the goods or values dealt with in ethics but a part of a much larger field including other values, such as economic, esthetic, etc. Now there is certainly a sense in which this is true. We can indeed study the production, exchange, and consumption of wealth in economics, without explicit reference to these activities as forms of conduct or behavior to be judged ethically; but in so far as they *are* conduct and behavior, they must in the last analysis be judged morally also. We may study the activities of the production and enjoyment of objects of beauty without passing moral judgments on these as forms of conduct, but in the last analysis these must be considered from the standpoint of conduct also. In a certain sense, then, ethics must include these activities also. Matthew Arnold expressed the wide scope of ethics when he said "conduct is three fourths of life." In reality he was just one fourth short in his calculation. In a very real sense conduct is the whole of life.

But while this is true in a general way—and in the sense indicated here—there are nevertheless certain well-defined differences between ethics and other value sciences, as well as very close relationships which it is important to make clear. In developing this point I have chosen two other fields of knowledge which deal with values and norms, namely the fields of economics and law.

It is clear that these two subjects have a much closer relation to ethics than the descriptive sciences, even of biology and psychology. In the case of the latter their connection with ethics, while real and important, is nevertheless indirect. At no point can we pass directly from a description or explanation of human conduct or behavior to its evaluation. At no point are the problems of ethics the same as those of these sciences. The latter can at most help us to understand the behavior we are to evaluate. In the case of the sciences now under consideration, the situation is quite different. The reason for this is that they too, in their own way and in their own range, are trying to find out right ways of doing things. They too deal with goods or values, and in the last analysis have a normative purpose and a normative element in their method. The entire object of economics, from the practical point of view, is to find out the good or right ways of producing, distributing and using consumable goods or wealth. The object of law is to determine, within its specific field, what actions are right and what are wrong, and it is the task of jurisprudence to find out the basis or reason for the laws.

Economics has often been treated (and is still treated by some) as though it were independent of ethics. But opinion on this subject has radically changed in recent years. They are, as President (Emeritus) Hadley of Yale wrote, "no longer regarded as independent sciences." It is pointed out by him and many other economists, that the morals of a people are at once the basis and consequence of its economic activity. The degree to which changes in economic conditions and values modify our ethical institutions and judgments has become clear to all since Karl Marx set in motion a long line of historical investigations through his doctrine of "economic determinism." On the other hand, it has become equally clear that the morals of a people are in a real sense the basis of its economic activity. The economics of a capitalistic society presupposes the institution of private property as an ethical good. In general, economic motives are largely the result of a people's ethics. "The attempt to study either of these subjects without reference to the other is, therefore, largely a thing of the past."[1]

But this historical relation between the two really corresponds to a more inner or logical relation. Each requires the other for its understanding, but from a more ultimate point of view economics must be said to depend upon and presuppose ethics. In showing this relation we may first make use of our distinction between instrumental and intrinsic values. Economics deals only with instrumental values. In the illustration given, the wheat, which may be turned either into bread or whiskey, has no intrinsic value. The instrinsic value is found in the bodily values of satisfaction of hunger, which may again be instrumental to other values of human life. The relative values of the bread or the whiskey are again determined by more intrinsic values or disvalues to the production of which they are instrumental.

The dependence of economics on ethics may be seen in yet another way. Like every other science, economics proceeds upon certain assumptions or postulates. It assumes, for one thing, that wealth, or consumable goods, is a good or value, and proceeds then to study the laws of production and distribution of wealth. It is clear, however, that such an assumption is open to revision from the standpoint of ethics. It is possible to conceive an economic form of life in which "wealth accumulates and men decay." In such a society wealth would cease to be a good in any but the limited sense of economics. Again, economics assumes the acquistive impulse and the value of that impulse, and the validity of its principles or laws stands or falls with that assumption. It investigates merely the ways and means by which the ends set by that impulse or instinct are realized. In general, we may say that economics is a merely hypothetical science and is the result of an abstraction from the other motives and values of men. Economic good requires then to be related again to other goods, and this leads over into ethics.

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[1] Article on Economics in *Dictionary of Philosophy and Psychology.*

This relation of economics to ethics is increasingly realized by economic writers themselves. "Present-day economics," an economist has recently written, "is not altogether content to remain a science of 'what is.' The current emphasis is less didactic and more social in character. The tendency now is in the direction of re-establishing a philosophy of economics. And by this I mean a search for the ultimates of human life in so far as these can be discovered within the limits of the economic process." [1]

THE RELATION OF ETHICS TO LAW AND JURISPRUDENCE

The relation of morals to law and of ethics to the science of law or jurisprudence, is somewhat similar; law and jurisprudence presuppose ethics.

That law is derivative from morals may be seen in the historical relations of the two fields. Law in general is codified custom and customs are the *mores* or morals of a people. In the Anglo-Saxon legal system, for instance, English common law is the basis of statute or civil law and this common law, or unwritten law, is essentially moral in character. In general, development is from custom to codified law and from law to reflective morality, the reflective morality consisting partly in the determination of the reasons of custom and law.

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[1] E. W. Goodhue, Economics as Social Philosophy, *International Journal of Ethics,* Vol. XXXVI, No. 1.

But the relation of law to morals is not only historical; it is also logical. This logical relation may be seen at two points. In the first place, all the primary principles or norms of law go back to and presuppose moral norms. Thus laws protecting life, property, etc., all assume certain rights or claims that are essentially moral in character. Even more derivative laws, of a more or less technical character, may all be carried back to moral norms. Thus law has been defined by many jurists as "the sum of conditions necessary for the maintenance of society", or as "the minimum of moral performance and disposition required of members of society." In short law may be defined as the *ethical minimum.*

This characteristic of law has been recognized by Judge Benjamin N. Cardoza when he says that "legal concepts, when divorced from ethics, tend to become tyrannical and fruitful parents of injustice." This aspect of the situation brings out the second point at which it may be seen that law presupposes ethics. Justice, in the merely legal sense, often tends, momentarily at least, to develop more or less independently of ethics, to become merely the impartial administration of law irrespective of the ultimate relation of law to human welfare. Justice in the narrow sense must then be supplemented by equity or by justice in the ethical sense.

Legal justice then often comes into conflict with ethical justice, some of which conflicts will appear when we come to the study of justice; but when it does so conflict the ultimate court of appeal is ethics. This situation has been well put by Pollock.[1] "Legal justice", he writes, "aims at realizing moral justice within its range and its strength largely consists in the feeling that this is so." The strength of the law rests upon the acknowledgment of public opinion that it embodies a minimum of moral right.

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[1] *Jurisprudence,* Chap. II, 31.

This statement of Pollock brings out clearly the second point at which the dependence of law upon ethics may be clearly seen. Acknowledgment of the law and its authority, by the subjects of the law, follows either upon the powerlessness of the subject, or upon the moral acceptance of the justice of the law. In the first case, law would be merely the tyranny of irrational force; in the second case it gets its validity from ethics.

THE RELATION OF ETHICS TO PHILOSOPHY

Thus far we have considered ethics as one among other fields of knowledge. We have called it science in that broader sense which defines science as any body of ordered or systematized knowledge. But ethics has always been considered a part of philosophy and is still carried on by philosophers and taught as one of the subjects in the department of philosophy. This is precisely as it should be, and in making the reasons for that statement clear, we shall be able to determine the relation of ethics to philosophy.

In general it may be said that the distinction between philosophy and science, between philosophical and other kinds of knowledge, is less popular than it was a few years ago. There are two chief reasons for this. Philosophers have themselves become more scientific. Not only do they find themselves forced to know more and more about the sciences, but they have learned a great deal from the methods of science that is useful in carrying on their own investigations. On the other hand, the sciences have become much more philosophical than they were in the nineteenth century. The more profound scientists, whether in the fields of physics. biology, or the sciences of mind and society, have increasingly been forced to take up questions that used to be relegated to the "metaphysician."

The reasons for this lie in the nature of philosophy and of its relations to science. Philosophy has been defined in many different ways, but all these definitions contain in them two ideas that differentiate philosophy from the special sciences. William James expressed the first of these when he said of the philosopher that he is merely one who thinks a little more stubbornly and persistently than other people. The same idea has been expressed by the statement that the philosopher is one who "thinks things through." But when one comes to think things through, he finds that he must go out of and beyond his own special field into the larger relations of things. To think things through involves thinking things comprehensively—in the words so often quoted, one must "see things steadily and see them whole."

It is this demand that drives the physicist beyond physics into philosophy and it is the same thing that forces the moralist out of ethics into metaphysics. For the ethical thinker the problem is to think the question of values through. The problems to which we referred earlier—which rise even in the mind of the child and of the ordinary man—become insistent for him. What is the good of being good? Why and whence any distinctions of value in the world at all? What's the good of it all? Is there any meaning or purpose in this world in which we struggle and try to achieve what we call the good?

In the history of the race, answers to these questions have always been given by religion, and for this reason there has always been a close relation between morals and religion. In religion morality has not only found its sanction, but its fundamental reason for being. The relation of morals to the religious view of the world is, therefore, one of the fundamental philosophical problems. But there are other problems of ethics of this fundamental philosophical or metaphysical character. The moral life, if it is to be real or valid, seems to assume or postulate certain things. It seems difficult to see how the moral life can have very much meaning if moral agents have not what we call free will—if they can not choose the good instead of the evil, the higher over the lesser good. It seems difficult to see how the moral life can have much significance unless moral distinctions are objective and real, are in some sense part of the nature of things, unless the moral values which men seek and achieve have a cosmic significance, unless, in other words, the moral order is in some sense part of the world order. Are these beliefs or postulates justified? No one can think through the problems of ethics without raising these questions. We certainly can't hope to answer them without taking into consideration the relation of man to the universe as a whole, or man's place in the cosmos. These are questions of philosophy or metaphysics and they must of necessity become the subject matter of the closing chapters of the book.

REFERENCES.

The references for further reading, in this and succeeding chapters, will, in so far as possible, be put under headings corresponding to the main topics of each chapter.

Those marked with an asterisk represent a *minimum* of required reading and are, in general, less difficult than the others. Those unmarked are designed to enable the more serious student to go more deeply into the subject.

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* Encyclopaedia Britannica, *Article on Ethics.*
* Encyclopaedia of Religion and Ethics, *Article on Ethics.*
* F. Paulsen, *System of Ethics,* (trans.) Chap. I.
* John Dewey and J. H. Tufts, *Ethics,* Chap. I.
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H. Sidgwick, *The Methods of Ethics,* Bk. I, Chap. I.
T. H. Green, *Prolegomena to Ethics.*
W. Wundt, *The Principles of Morality,* Vol. I, Introduction.

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- * Encyclopaedia Britannica, *Article on Value* (W. M. Urban).
- * W. G. Everett, *Moral Values,* Chap. II.
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- * W. K. Wright, *General Introduction to Ethics*, Part II.
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- * H. W. Dresser, *Ethics in Theory and Application*, Chap. IV.

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- * Baldwin's Dictionary of Philosophy and Psychology, *Article on Economics* (J. H. Hadley).
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- * J. W. Hudson, *The Truths We Live By*, especially Part I.
- Walter Lippman, *A Preface To Morals.*
- * M. W. Calkins, *The Good Man and The Good*, Chap. XI.
- * E. S. Brightman, *Introduction to Philosophy*, Chaps. IX, X.
- Hastings Rashdall, *Theory of Good and Evil*, Bk. III, Chaps. I, II.
- Warner Fite, *Moral Philosophy.*

CHAPTER II

REFLECTIVE THINKING IN MORALS

FACT AND THEORY IN ETHICS

A common distinction in human knowledge is that between fact and theory. In every science or systematized body of knowledge it is customary to distinguish between the facts and the theories based upon the facts. It will be well to begin our study of morals by considering that distinction as it applies to ethics.

The facts of ethics are our actual morals. Ethical theory has to do with the reasons for them. It is natural to suppose that the morals of people, the facts of ethics, are the ways they *do* act, the folk-ways or *mores*. But this is not quite the case. The morals of a people are the ways they think they ought to act, in other words their judgments of good and bad, or of right and wrong. It is true that we often speak as though the morals of a man were the behavior itself. A man of low morals is one who *does* certain things that fall below the standard or norm of conduct. But not only does the conduct itself proceed from ideas and judgments of good and bad, but the act or behavior has an ethical quality and significance only in relation to the standards or norms in terms of which it is judged.

Ethical facts are then always judgments; ethical theories the reasons we give for these judgments. The fact has to do with the judgment of right and wrong; the theory with the question of *why* it is right or wrong.

The first thing that strikes us in surveying the field of moral fact is the existence of well-established and well-defined conventions, or norms of conduct and judgment. These we may call the everyday standards of common sense. Lord Balfour has said that while there is general agreement on the question of what is right and wrong, there is considerable variation in the reasons which men give for their judgments. From this he would seem to have us infer that our common sense in morals, what the Germans call the "healthy human understanding" is to be trusted in the main rather than moral theory and ethical reflection. Be this as it may, let us start our investigation by considering first whether there is this agreement, and secondly what significance such agreement, if it exists, has for ethical science.

Balfour's statement is itself, of course, open to question. The general agreement of which he speaks is precisely what most of us would vigorously deny. Historically there has been the greatest divergence in men's judgments as to what is right and wrong. Infanticide, slavery, and other customs now condemned, were approved or suffered by the highly civilized Greeks, as are suttee, polygamy and suicide by some modern races. To eat your parents, to sacrifice your first-born, to refrain from washing—there is hardly anything so monstrous or so trivial that it has not been somewhere considered a duty, although somewhere else a crime. These are simply facts of history and constitute but a small part of a large body of evidence against any general agreement in this sense.

Evidently it is not agreement of this sort that Balfour has in mind. There are very few things, perhaps, on which the moral judgments of all men, at all times and in all places, have completely agreed. The consensus of moral judgment here spoken of has reference rather to the level of present-day reflective morality. On this level there is a much larger measure of general agreement. To be sure, mutually contradictory moral judgments are found here also; even here the variations are considerable. But the agreements far outweigh the differences, and the range of variation is a comparatively limited one.

Many would be disposed to question this sort of agreement also. At first sight the variations seem very great and the contradictions often irreconcilable. At the present moment much is made of the confusion in morals and the destruction of moral standards. Closer examination seems to show, however, that on the simpler and more fundamental issues we call moral, common sense has reached, and still maintains, a body of principles and maxims which call forth a large measure of general assent. It is only necessary to keep in mind our codes of law which, as we have seen, embody the *minimum* of morality, to see that this is so. The universal assent which law in the main receives, merely reflects the general consciousness that, within its range, it expresses the moral sense of the race. Legal norms are essentially moral norms.

THE RANGE AND SOURCES OF VARIATIONS

We shall understand the significance of this general agreement the better if we examine the nature and range of the variations from the norms.

Moral judgments fall into two quite distinct types or classes which must be carefully distinguished. Practically, the moral judgment is always concerned with the particular act. Did this particular cashier do right or wrong in temporarily using certain funds of the bank to tide him over a difficult situation? Did Nora, in Ibsen's *A Doll's House,* do right or wrong in leaving her husband? It is evident that here variations of judgment of considerable moment are bound to occur. "Circumstances alter cases." But there is another type of moral problem and another type of moral judgment. Not whether I ought or ought not do this particular thing, but whether such and such a type or class of acts is right or wrong. Here the range of variation and the chance of contradiction is increasingly less.

In the case of the first type of judgment the variations are all of the nature of exceptions and are recognized as such. The exception does not destroy the rule or norm, but, in the words of the old proverb, "proves" or assumes it. The cashier would never dream of justifying his act as a universal practice. Few would be disposed to say that any woman should leave her husband whenever she wants to. In all such cases it is always assumed that the norm is the fundamental thing and that the variation from it must justify itself by an appeal to some higher principle or norm, or to some more general theory of the good which will explain or justify the exception.

Now it is with types or norms of conduct that ethical reflection or science is primarily concerned. It can not of course ignore the problem of the particular act. But in the last analysis ethical science, like all science, is concerned with universals or laws—in this case universals of the type of norms.

Here also, it can not be denied, great divergence is possible and contradictory judgments in evidence. But the range of variation and the chance of contradiction are increasingly less. It is conceivable that there might be some who would say that any cashier should take the funds of his bank whenever he can "get away with it," that any wife should leave her husband whenever she wants to. But such opinions would be generally recognized as expressing a very inconsiderable and insignificant divergence from recognized norms. For most men private property is the foundation of society as we know it and understand it, and the rights and duties connected with it acknowledged as normal to the life of society. For most men the permanent monogamous family, as developed and protected in our law, is the norm of relationship of the sexes, and the rights and duties connected with it acknowledged as normal to the life of society. This is undoubtedly true. But even at this point there is divergence of opinion and contradiction of judgment. It can not be denied, for instance, that there are many for whom private property is the chief of evils and the source of all injustice. There are those for whom monogamy is anathema and "free love" the ideal. It is at such points that the fundamental problems of ethics arise, namely as to the value of our institutions themselves. But so far as our present point is concerned, there can be no question. These variations represent inconsiderable variations from the general consensus of moral judgment.

THE SIGNIFICANCE OF THIS GENERAL AGREEMENT

It is idle then to deny that there is a large body of beliefs and judgments as to what is right and wrong upon which there is general agreement. The radical's attack on what he calls "conventional morality" constitutes in reality a recognition of this fact. Conventional morality is precisely those customs, laws, and judgments upon which the mass of men have agreed; and it is precisely this unanimity, this *sensus communis* which constitutes the starting point of ethics and of ethical reflection.

What then is the significance of this agreement? It is natural to make of this fact of agreement itself a source of authority and of the *sensus communis* itself a test of right and wrong. This is in fact what men tended to do when morals were no longer accepted on the authority of revelation and religion. It is inevitable that men seek authority somewhere, and when it was no longer sought in the will of God it is sought in the will of the majority. The majority is always right. No one believes now, however, that the mere fact of agreement makes right or wrong, any more than it makes truth or falsity. In his *An Enemy* *of the People,* Ibsen makes Doctor Stockman say that the majority is always wrong. Extravagant as this may be, we should all agree that we can not determine the true or the right by counting noses. On the other hand, it seems even more absurd to assume as a working principle that the majority is always wrong. The majority is often wrong on some concrete moral issue such as faced Doctor Stockman. It may conceivably be wrong regarding the more general norms or standards to which it gives its assent. But the probability at least is that, as the range of variation, so the margin of error will be greater in the particular cases and less and less in respect to the more general types or norms of conduct. This is at least in general the assumption of ethics.

The significance of convention or general agreement in morals is found, then, in the fact that these conventions constitute norms of conduct that have been worked out in the experience of the race. As such they represent at least the factual basis or raw material of ethics. Moral reflection can not take place in a vacuum any more than can thinking about physical things. Science in general has been described as "glorified common sense." We do not attain to true knowledge of the physical world by denying at the start all our beliefs about it, but rather by changing and modifying them as the facts require. It is no different with the human relations we call moral. There is such a thing as the Public Conscience, and this conscience or consciousness is at least the starting point of ethical reflection.

This is in general the position of moralists or ethical philosophers on this important question. It is true that there are thinkers like Nietzsche who propose a "transvaluation of all our values," who would turn our moral codes topsy-turvy. Such attempts have their value—if for no other reason than by causing us to question and go to the root or the source of value. There are those who break completely with experience and try by their own reason to construct new institutions, and to remould the world according to their heart's desire. But the general position of responsible moralists is that it is not the business of ethics to make a new morality, but rather to understand and interpret the morality we have. As philosophers have not made morality so neither can they unmake it.

COMMON SENSE IN MORALS

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We shall make use of the notion of "common sense" in morals in a number of connections. It will be well, therefore, to define it at this point. The term common sense itself has had a long and varied career both in popular use and in philosophical discussion. Originally it meant little more than a name for those things which men thought or felt in common—the *sensus communis.* Little by little, however, it took on the meaning of good sense as distinguished from poor sense. It is the reason for this second meaning that we are chiefly interested in.

The practical aspect of the question has been well expressed by Sumner in his *Folkways*: "The most emancipated of men live largely according to the common sense, the *mores,* and can not wholly free themselves from their domination. And it is well that they can not," for as he further remarks, "if we had to form judgments as to all cases before we could act in them and were forced always to act rationally (that is reflectively) the burden would be unendurable. Beneficent use and wont save us this trouble."

Common sense has often been attacked as a merely euphemistic term for a collection of superstitions and *tabus* that are worthless until they are tested and corrected by the processes of analytical reflection. None the less, we persist in thinking that the results of this common sense may often be sounder and represent a broader human truth than that attained merely by the intellect acting along its own line and without taking very much account of the other elements in our nature that enter into the formation of our judgments.[1] Common sense in morals represents then that body of standards and norms upon which men have reached a significant degree of agreement. Some ethical philosophers have thought to find in this morality of common sense something "instinctive" or innate. Others have seen in it merely the resultant of the deeper and broader experience of the race. Into this question we shall go in another connection. In either case the morality of common sense forms the starting point for the more critical reflection of theoretical ethics.

MORAL REASONING. ETHICAL THEORY

Common sense, as thus understood and defined, does then manifest a significant degree of agreement upon the simpler and more fundamental questions of right and wrong. Assuming this to be true, the second part of Balfour's statement is also true within limits. Often when men agree as to the rightness or wrongness of acts the reasons they give for their judgments differ in important ways. Still more, when our judgments vary from the norm, when we call that right which is ordinarily called wrong or that wrong which is generally thought to be right, do we find ourselves justifying our actions and our judgments in different ways. It is in fact divergence from the norm that chiefly calls for justification, and it is here that moral reasoning appears and we are necessarily led into reflection on the nature of the good.

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[1] Common sense, as thus understood, does not refer to some special faculty or power, but "rather to a sort of cooperation of the various functions of the mind, a cooperation among the different phases of the mind or personality in which the impulses of feeling as well as the dictates of reason combine to hold in check or modify what might otherwise have been a one-sided outcome of or conclusion of some one of these total processes. In the procedure of common sense, as thus understood, all the processes of the personality assist in reaching a rough but broadly human conclusion which may be less biased than when the intellect alone does the weighing." H. O. Taylor, *Human Values and Verities,* p. 158.

A chief source of difference, both in our judgments as to what is right or wrong and in the reasons we give for these judgments, seems to lie in two contrasting attitudes which we may describe as the *rigoristic* and the *liberal* or latitudinarian.

The rigorist in morals is the man who says "right is right and wrong is wrong." He is inclined to make few if any exceptions to moral rules, and tends to be severe in his judgments both on himself and others. The rigoristic attitude is associated with two quite different types of persons. The one consists of people of no marked intellectual development with a tendency to accept uncriticized the judgments of common sense in morals as elsewhere. The other type is more intelligent and thoughtful and gives reasons for this attitude. The rigorist of this type is impressed with the serious consequences of infractions of laws or rules. He feels that morality is so important that practically one can not be too exacting in his demands upon himself and others. But he has a theoretical reason also. He feels that right is right and wrong is wrong—that if the distinction between right and wrong is to have ultimate validity these terms must represent intrinsic qualities inherent in the acts themselves.

In contrast to this we find a more liberal attitude which we may describe as latitudinarianism in morals. In so far as judgment on the particular case is concerned, its fundamental principle is that circumstances alter cases. It holds that everyday standards and rules of conduct are good, but exceptions to these rules are also right and good. The principle of judgment in this case is that of utility in the broadest sense of the term. Morality has to do with right action, and judgments on actions are practical judgments. Practical judgments have always to do with the question of the "good" or the use of a thing. It is therefore only natural that when any doubt is raised as to the right or wrong of any act, we should ask what is the good or the use of it. The most immediate and natural answer to this question is that if it brings pleasure it is a good, if it brings pain a bad. This is one form of utility judgment and historical *Utilitarianism* has given this answer. But there are other conceptions of purpose and utility. Our only point here is that the latitudinarian appeals to some concept of utility or teleology.

These contrasting attitudes are brought out clearly in the answers to certain moral problems supplied by the undergraduates of the University of Wisconsin and recorded in a monograph published by Professor F. C. Sharp of that university.

One of these questions was a variant upon the theme used by Victor Hugo in his *Les Miserables*:

May a poor man, without money, out of work, and unable at the time to find employment, take without the knowledge of the owner, a loaf of bread from a bakeshop in order to save from starvation the young children of a neighbor? Their mother, a widow, is sick in bed and unable for the time to earn money for their support. It is impossible to get the bread in any other way.

The following are two typical answers:

(1) "The man should not steal the bread. Respect for the property of others, under all circumstances, lies at the basis of our civilization. To indulge, in any degree, in wrong makes greater wrong easier and ultimate anarchy possible."

(2) "I think that the poor man was justified in taking the bread under these circumstances. He would be doing an infinitely large amount of good compared with the trivial

harm done, and he would be doing the good by the only possible method open to him."[1]

Few would hesitate to say that there is an element of common sense in both types of reasons given in the foregoing answers. Both reasons have, moreover, been developed, as we shall see presently, into types of ethical theory both of which display not only great logical power but also correspond in important ways to the fundamental facts of the moral life. At this point, let us merely note that common sense is ambiguous. In one of its moods, so to speak, it answers in one way, in another, in another way. Let us examine this ambiguity in connection with still another case. It is common sense in morals to think and believe that telling the truth is right and that lying is wrong. It is also common sense to believe that there are occasions when to tell the truth is not right and to tell what is not strictly true is a duty. These cases of *Notlüge,* or lies of necessity, as the Germans call them, have been the constant material of moral thinking and of no end of ethical disputation.

In his *Heaven and Hell,* Mark Twain tells the story of two maiden sisters who were nursing a sick sister whose recovery hung in the balance. The sick woman's little girl was not allowed to see her, but she had been sending her messages which greatly cheered the patient. But the daughter also became seriously ill and the two sisters faced the problem of what they should do. Mark Twain's picture of their despair, of their horror of telling a lie, and their firm conviction that they would be eternally damned if they did so, is extremely touching. Equally affecting is his description of the final triumph of their love over their "duty," when they finally decided to deceive the mother for her own good. As the author tells the story, we are left in no doubt as to his own attitude and feeling in the matter. His indignation at the very idea of a morality that would even raise such a question, his hatred of the moral fanaticism that would put abstract truth above life and love, finds, no doubt, an echo in the hearts of most of his readers.

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[1] It is interesting to note that in the new code of laws proposed for Mexico in 1929 provision is made for exceptional cases of this kind. In case of a man's stealing because of hunger, it is specifically stated that the law shall not take cognizance of the first offense.

Most of us would share these feelings of Mark Twain. We should be disposed to call the person who maintained the opposite various names, such as absolutist, rigorist, fanatic. Now the absolutist and rigorist has something to say for himself, and we shall permit him to have his say in the proper place. All that we are concerned to point out here is that "common sense" would ordinarily associate itself with the liberal or utilitarian point of view, understood in the broadest sense. Further illustrations will bring out this point even more clearly.

The philosopher Fichte was such a rigorist and absolutist. When the question was asked him: what would you do if to tell your wife the truth when she was ill would kill her, he replied, if my wife must die by the truth let her die. One might conceivably be willing to go with Fichte this far, although even here common sense would be in the main against him. But let us take a second case in which the conditions are slightly altered. A Zürich theater manager, in the case of a fire in his theater, gave a false reason for the suspension of the play and cleared the theater without injury to any one, when to have given the real reason would almost certainly have produced a panic and a fearful loss of life. Here, I suppose, there would be scarcely any one who would refuse to justify the manager's conduct. One of the more general questions in the examination for the first Thomas A. Edison Scholarship—designed to test the general intelligence and insight of the applicant—was this: When do you consider a lie to be permissible? To this the successful applicant answered, "In case of serious trouble, pain and grief, and you do not benefit yourself in any way." This, we should all feel, is the answer of common sense.

THE BOLLENGER BABY CASE

The illustrations we have taken to bring out the difference between the two general attitudes have to do with the old stock moral problem as to whether it is ever right to tell a lie. We might have taken cases involving the question of strict obedience to any of the moral commandments. Or we might take much more complex and involved moral questions, such as writers of modern problem plays and novels delight in. Was Nora in Ibsen's *A Doll's House* justified in leaving her husband? Was the heroine in Eugene O'Neill's *Strange Interlude* justified in what is morally called an act of adultery, in order to save the reason of her husband and in order to have the child which otherwise she dare not have? Any one of these problems would take us into the very heart of ethical thinking and bring out clearly both the nature of moral reasoning and the types of reason that develop into ethical theories. Instead of any one of these, I shall choose a famous case which aroused a great deal of discussion and considerable furor. It has the added advantage of involving a real novelty in moral conduct and ethical judgment which is increasingly bothering moralists and courts of law alike.

In November of 1915, a Chicago surgeon, J. H. Haiselden, contrary to accepted medical ethics, refused to operate on a baby boy, four days old. This he did, he affirmed, "in the interest of the human race and more particularly of American manhood." He explained that the boy was extremely defective and would probably remain so throughout life. He believed the infant to be dying, but there was no doubt that his life would be prolonged if an operation should be performed. His position was that, with the consent of the parents (which consent was willingly given), "nature should be allowed to take her course." No other doctor in the hospital would intervene and no nurse attempted to alter the program. The result was that the child was allowed to die.

These are the facts in the case. The moral reaction was immediate and widespread. News of the program caused a great stir throughout the country. Meetings of the Chicago Anti-cruelty League and of the Illinois Humane Society were held. Threats of court action were made, but to the surprise of many the two societies announced themselves as in line with Doctor Haiselden. The immediate result was that the physician was exonerated by a coroner's jury. A precedent was thus set which, there is every reason to believe, has had its influence both in medical practice and in law ever since.

It is natural to ask immediately, was it right to let the baby die? Was it "a good thing" to give this right to a physician, this power over the life and death of a human being? There was, as might be expected, serious difference of opinion. Widespread discussion ensued and there were many, both medical and lay, on both sides of the question. In so far as the newspaper discussion gave any indication of opinion, there were, it is interesting to note, as many physicians against the act as for it. We shall attempt in the sequel to suggest the line of thought along which this problem may conceivably be solved. For the present, our interest is solely in the nature of the reasons given, *pro* and *con*. In the examination of these reasons we shall discover, I think, not only the fundamental features of all reflective thinking in ethics, but also the fundamental forms in which ethical theory has expressed itself.

One entire body of opinion, voiced most eloquently by Miss Jane Addams of Hull House, condemned the act absolutely. "Life," she insisted, "can be taken away only by the

One that gave it, and should be prolonged at any cost." "What right," she asks, "has this doctor to take a human life? Everything is born into this world with an inherent right to have a chance to live. The letting of that baby die when its life could have been saved, is a crime against the race instead of the benefaction claimed."

This idea of the inherent and absolute value of a human life, represents the rigorous and formalistic point of view. It is worth noting that it was shared by a number of physicians. Indeed just the duty or obligation to save life at any cost has been part of what is called "medical ethics," the oath which the physician takes including this obligation as part of that which he swears to carry out in his profession. Others, including many physicians, were wholly for justifying the act. The reasons were teleological, or reasons of utility in the broad sense in which we have defined the term. The argument took several forms.

One specialist in children's diseases writes: "When an animal is disabled it is shot. So when a child takes all the pleasure out of life for the parents, and is not beautiful or even good to look at, and is helpless, I think that such a person should not be allowed to give unhappiness to the living." Here the emphasis is on happiness; the *hedonistic* form of the teleological argument or theory is uppermost. In this case the justification of the act implies an argument somewhat as follows: Nothing is good or bad in itself, not even life. The only thing that is intrinsically good is happiness, the only thing intrinsically bad unhappiness. All other things and actions are determined in their goodness and badness by their instrumental relation to the production of happiness.

Others who justified the act put the argument from utility, or the teleological theory, in terms of self-realization or perfection, either of the individual or of society. Says one: "I believe that a child with congenital malformation of an extent distinctly to oppose mental development to a degree necessary to a self-reliant individual should be permitted to die. The only good or value for the child is in this capacity of development." Still others stressed the social side of the same argument. "It has always been my opinion," writes one physician, "that all children born with congenital abnormality are a detriment to society. I distinctly believe that it is humane to cut off their future sufferings and those of society."

Our examination of the discussion of this important and interesting case has disclosed several points in ethical thought and argument which may be stated in general terms and extended to all cases of ethical thinking.

In the first place, the reasons given for denouncing or justifying the act fall into two main groups, which may be described as Formalist and Teleological. On the one hand we have those for whom Miss Jane Addams was a spokesman, who believe that at least some things and acts are *inherently* right or wrong, good or bad. In this particular case, life itself is an absolute good or value. Whether it be because God gave life and that gift confers an absolute value, or whether it is, so to speak, in the nature of things, "a law of nature," the good of life is intrinsic or absolute. From this follows the obligation to maintain life at all costs (an obligation which has generally been considered absolute in medical ethics) and refusal to maintain life is a violation of that obligation.

On the other hand, we have those for whom no act or thing is inherently right or wrong, good or bad. Even life itself—the most precious of all the goods of God or nature, has only relative value. That value is determined by its utility, whether we define that utility in terms of its capacity to produce happiness, either individual or social, or in terms of the capacity or potentiality of that life to develop in itself, or to contribute to the development of society or the race.

There is therefore no absolute obligation to maintain life at all costs. The obligation is merely conditional.

The first type of reasons are what are called *formalistic* and the ethical theory it represents Formalism. The reason for this characterization is that this type of argumentation assumes that good or value is a quality, an essence, or a form, inherent in objects or acts themselves. From Plato on, Western philosophy has distinguished between the form and the matter of things, the form or essence of a thing being that which makes the thing what it is. Good is such a form or essence. The second type of reasons are called teleological.

All ethical theories fall into these two fundamental classes. But there are distinctions within the latter group which it is desirable to make clear, even at this early stage of our study. The two types of teleological thinking which were clearly distinguishable in the arguments we examined, correspond completely to two types of ethical theory well established in the history of ethical thought. It may seem to be practically of very little importance whether we say, let the baby die because he has no chance of happiness or because he has no capacity of development, because he will make his parents and other people unhappy or because his continuance in life is contrary to the interests of American manhood and of the race. But it *is* of considerable practical importance, as we shall see, and of very great theoretical significance. In any case, the teleological arguments all fall naturally into two main classes: (a) those which thought of the good or value in terms of pleasure or happiness, and (b) those who thought of it in terms of development or self-realization. The first have been called the Hedonists, the second the Perfectionists or Self-realizationists.

It is important to note that no type of reason and no line of argument is to be found in the literature of the discussion other than these three. Many ethical thinkers have held that no other type of reason, no other ethical theory is possible, that although there are variations on these arguments and differences in terminology and expression, all are ultimately reducible to these three. This is the view of the present writer. The use of the foregoing illustration was partly with the purpose of bringing out this fact. This being so, it follows that the theoretical part of ethics has to do chiefly with the critical examination of these types of reasoning.

CLASSIFICATION OF ETHICAL THEORIES

We may then give the following classification of ethical theories.

- I. Formalist
- II. Teleological
  - Hedonist
  - Perfectionist (Self-realization)

Both of the teleological theories may emphasize now the individual aspect of the good, or again the social or universal, as was apparent in the discussion referred to. We thus get a further subdivision:

TELEOLOGICAL THEORIES

- I. Hedonistic
  - Individualistic
  - Universalistic (Social)
- II. Perfectionist
  - Individualistic
  - Universalistic (Social)

There is still a further distinction in perfectionist theories that is of importance, a distinction brought out also in this discussion. One may have one's eyes on the organic or biological aspect and think largely of organic welfare and perfection of organic life. Or one may think of life in its more spiritual and personal aspect and think of the good not so much as organic welfare, as self-realization or realization and perfection of personality. The first we shall describe as *naturalistic perfectionism*, the second as *idealistic perfectionism* or the ethics of self-realization.

COMMENTS ON THE CASE ITSELF

We have used this case merely as material for displaying the nature of ethical reflection in general and for disclosing the fundamental types of theory to which such thinking leads. It is, however, natural, as we said, that we should ask: Well, was the act itself right or wrong? To which theory are we to appeal in answering that question?

As the discussion itself developed, it seemed that in the main the formalists said the act was wrong and the teleologists said it was right. And it is true that the teleological line of argument was used mainly to justify the act. We might infer, therefore, that if we are teleologists we must necessarily and inevitably justify it and be on the side of novelty and "progress." That would be, however, to take an entirely too superficial view of the situation. A teleological line of argument might well be developed for the conservative and rigorous standpoint.

One might, for instance, admit the fundamental principle that life is not an absolute value in itself, but gets its value from other values which it makes possible—whether defined as happiness or development. One might further admit that the continuance of the life of the Bollenger baby could serve no good end, either for itself or for others, but might in fact bring with it evil consequences. Still the argument would not necessarily be convincing. For one might point out that the evil consequences of putting the right of life and death into the hands of physicians might far outweigh the immediate good. One might go further and say that the sacredness of the right to life, while not necessarily absolute and intrinsic, is yet so basal in civilization, has been worked out with such blood and sweat, that any tendency to weaken it will result in evils that would far outweigh any immediate good for the individual or individuals concerned. This is the present writer's position. But the only point of interest here is that a general teleological point of view in ethics does not commit one to the position that a physician is justified in allowing a human being to die under the given circumstances.

There is still another comment worth making in this connection, one which will serve to throw light on the working of "common sense" in moral matters. In this particular instance, the physician was exonerated by the coroner's jury. Other cases of a similar nature—especially in recent years—have been marked by similar leniency. In Sheffield, England, a year or two ago, the right of a doctor to let a patient die rather than live on in unremediable pain, was tacitly upheld by a coroner's jury there. The patient, a certain John Robinson, took an overdose of a dangerous medicine. In view of the patient's great pain, his physician, Dr. A. T. Simpson, decided to make no attempt to counteract the poisonous effects of the medicine. The jury brought in a verdict that Robinson died from medicine taken to relieve pain and cause him to sleep. The coroner in summation declared that neither he nor the jury should either commend or censure Dr. Simpson.

Still more recently in Karlshorst, Germany, a mother shot her incurably insane son rather than see him suffer the tortures of life without mental reason. Her case was treated with leniency, and in their decision the Berlin judges had similar cases of life-taking as a means of relieving victims from intolerable suffering to guide them, in all of which cases the utmost leniency had been shown. A similar case occurred in Draguigan, France, in November, 1929, in which a certain Richard Corbett, a citizen of France, was brought before court and finally acquitted by a jury of peasant farmers on the charge of murder, for having shot his elderly French mother who was suffering from incurable cancer, the pain of which was no longer preventable by opiates.

The comment I would make on all these cases is that they bring out with the utmost clearness the fundamental problem of ethics, namely the difference between justifying a particular exception to a rule or norm and elevating the exception into a *new* principle or norm. In the last case considered, the public prosecutor spoke of "the tremendously vital question whether society can permit one human being to take the life of another and remain unpunished." The jury impressed by this, sought a way by which the principle of the sacredness of life could be upheld, and the individual allowed to go unpunished. This not being possible in French law, they declared him "not guilty." It is one thing, in morals as well as law, to find "extenuating circumstances" for variation from a norm. It is quite another thing to deny the norm itself. It is, as we have seen, with the norms that ethics is, in the first instance at least, concerned.

CONCLUSION

The object of this chapter was, however, not primarily to solve this interesting and important problem of morals but rather to show the nature of moral reflection. The examination of the discussions connected with the Bollenger baby case has shown two things. In the first place, reflective morality involves not only judgment but the giving of reasons for the judgment. Moral reasoning or reflection falls into three main types which we have now analyzed and defined. In the second place, out of these three fundamental ways of reasoning develop the three fundamental types of ethical theory. Practical moral judgments are seen to be inseparable from moral theory. Fact and reason, practice and theory, work hand in hand here, as in all the sciences. In our study of ethics we shall find it convenient to begin with an examination of these theories in the light of moral facts. The earliest and in a sense the most natural theory is the formalistic. To this we shall now turn.

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CHAPTER III

FORMALISM IN ETHICS
THE THEORY OF INHERENT VALUE

That some actions are intrinsically right or wrong, some things good or bad in themselves, some rights inherent in man and in the nature of man as such, are beliefs so widespread and of such great influence, that we can scarcely dismiss them merely as superstitions or as survivals of earlier stages of thought. They are still the driving force in the lives of large classes of people and the underlying assumption of a large part of our legal practice and thinking today. They still constitute the ultimate appeal of many we would call modern and progressive and are often identified with the "moral idea" itself.

THE SOURCE OF FORMALISM'S POWER AND INFLUENCE

It is not difficult to see why this idea or belief should have attained such power over the mind of man. Morality has had a long history. It began in custom, advanced to the stage of codified law, and finally in the more "progressive" peoples reached the stage of reflective morality. These levels of ethical development, as they are called, are well marked stages in the culture of all civilized races and a comparative study of the morals of such peoples as the Hebrews and the Greeks, to mention only those with which our own culture is related, shows such clearly marked levels. The characteristic of "customary" morality, as it is called, is that it is absolute and unquestioned. Things simply are or are not done. What more natural, therefore, than that, when out of mere customs codes of law were formed, the same feeling of inherent right and wrong should attach itself to the laws? It is no less understandable that when morality became more inward and reflective men should imagine for themselves a special organ or faculty, called conscience, through which this same inherent moral quality of acts is revealed.

Many hold that formalism is thus merely a survival of primitive *tabu.* To this explanation is added another factor of a psychological nature. It is a well-known fact that men often forget the processes by which they come to feel that one thing is not done and another is done, and end by thinking that the rightness or wrongness of the act is something intrinsic to it. Thus, it is entirely conceivable that a child might be trained to feel that it was wrong to eat certain things or to step on the threshold of the door upon entering a room. Constant repetition of the command, together with punishment for disobedience or reward for obedience, would fix the idea of inherent right or wrong in his mind quite independently of any purpose that the act might have, and even if it were wholly purposeless and irrational. In fact just such *tabus,* as they are called, are constant characters of primitive and tribal societies and they survive long after their purpose is forgotten, and even after they are purposeless or harmful.

We may readily understand, therefore, how the idea that some actions are inherently right and others inherently wrong, should have got such a hold on the mind of man. Early impressions are very lasting, both in the individual and in the race, and the formidable conservative and pedagogical forces which would naturally be brought, especially by religion, to maintain this idea, should account for much of its persistence. But these explanations do not in themselves, account for its continuance, as a theory, on the level of reflective morality. There is still stronger force at work which we may call logical and may describe as the need to think things out. It is extremely difficult to avoid the notion that somewhere, some things must be inherently good or bad, some actions intrinsically right or wrong. Many things are clearly good only because they lead to other goods, many actions right only because they are instrumental to the bringing about of other ends; but somewhere in this line of thought we must come upon things that are good or bad in themselves. If, as in the formalistic thinking of the preceding chapter, human life is one of these intrinsic unconditioned values, then any act that, either by commission or omission, takes that life, is felt to be inherently wrong.

In any case, the student must be on his guard against the insidious tendency to think that formalism in ethics can be explained in terms of anthropological and psychological causes. In general, it is fallacious to think that by explaining a thing we have explained it away. When we have shown that something has been produced by something else, by a perhaps slow and imperceptible development, we must not suppose that we have shown the product to be nothing more than the things out of which it has developed or emerged. If this is true in regard to particular moral customs and rules, it is even more true in regard to the general moral attitude and theory called formalism. However it may have originated, it has to be justified or condemned on its own merits, not on those of what is known or guessed to have been its far-away origin. It is with the merits of formalism as an ethical theory that we are here concerned.

HISTORICAL REPRESENTATIVES OF THIS VIEW

There has been a long tradition of formalism in the thinking of the race. The ethical philosophy of the Greeks was predominantly *teleological*, as we shall later see, Plato and Aristotle having provided the chief forms of moral reasoning for the Western world. But there was always a strong ingredient of formalism in Greek thought.

The Sophists, although relativists and sceptics in morals so far as human conventions and conventional morality were concerned, nevertheless appealed to a morality inherent in nature, to "natural rights" as founded on natural law, in the sense of elementary instincts and human nature. The Stoics were, however, the chief representatives of the formalistic point of view, as they were also the chief upholders of the rigoristic attitude in practical morality. It is to them that we owe the first and most imposing use of the ideas of natural law and inherent right.

Christian morality inherited a strong strain of formalism from the ethics of Judaism. The ten commandments, written on tables of stone, were also written on the "fleshly tablets of the heart." The code of morals thus embodied represented, not only the will of God but inherent laws of nature, rules of conduct intrinsically right. The philosophical ethics of Christian thinkers, such as St. Augustine and St. Thomas Aquinas, were predominantly teleological and derived from Plato and Aristotle. But Stoic formalism had great influence. Moral laws are laws of God, but they are also laws of nature which, as God's creation, are the expression of his will.

The formalistic element in Greek and Christian thought was carried over directly into modern ethical philosophy. When, at the time of the Renaissance, modern states tended to throw off the authority of the Church and the papacy, there arose a corresponding tendency to found both morals and law on laws of nature. With this came a natural tendency to revert to formalistic views and to doctrines of innate ideas. Men tended to insist upon the idea that in the "natural light of reason," and by going back to nature before the artificial and conventional institutions of society were formed, they could find fundamental laws, both of conscience and of nature, which are unchangeable and indisputable. In Locke's writings and in the political creeds of the French revolutionaries and of the United States, the idea of natural law and natural right became fundamental. The philosopher Kant, who developed what is perhaps the most important philosophical expression of formalism, shared the premises and assumptions of this period.

DEFINITION OF FORMALISM

As a practical moral attitude, formalism is the expression of the feeling that right is right and wrong is wrong, and that no amount of reasoning or theory can change the inherent quality of our acts. As an ethical theory, it is a reasoned argument for the view that distinctions of right and wrong are inherent in the nature of things and not derivable or deducible from anything else. We may begin our study of this standpoint in morals by seeking a general definition which will be broad enough to cover all the various ways in which this theory has been expressed.

According to formalism, then, the moral quality of an act consists in some inherent or absolute quality of the act, without regard to the results that flow from it or the end that may be achieved. Otherwise expressed, the formalist sees in moral rules norms or standards for the control of conduct, but he finds the authority for these rules in their own intrinsic nature. In this he differs from the teleologist who believes that these norms or standards must be carried back for their authority or validity to some more ultimate conception of the good.

The representatives of formalism do not, of course, doubt that in the main good and desirable results will follow from good actions, and evil results from evil actions. They do not doubt that there is reason for the maxim, "be good and you will be happy," or that there is some connection, in the very nature of things, between virtue and happiness. What they do deny is that it is the results that make the goodness, or that it is happiness that determines the virtuous character.

FORMALISM AND INTUITIONISM

The examination of this view as a theory of moral value, or of the *locus* of moral value, is complicated and made more difficult by the fact that it has been constantly associated in ethical thought with another problem, namely that of moral knowledge or *Conscience.* Is there a special moral sense or intuition, or is knowledge in the moral sphere (and knowledge of values in general) just like the knowledge of other facts? Is conscience a special moral faculty or is it merely consciousness or experience, as concerned with a special kind of objects?

This question itself raises important problems, and as difficult as they are important, which will require consideration in their proper place (Chapter XVI). It is immediately evident, however, that the theory of conscience and the theory of formalism are of necessity closely bound up with each other. If it be held that moral value is some quality or essence inherent in the act as such, it would be natural to assume that there must be some special *moral sense* or intuition by which this quality is apprehended, just as we have special sense organs to apprehend or intuit the sense qualities, such as hot and cold, white and yellow. On the other hand, if we think that moral value inheres in types or classes of acts, we shall think not of a moral sense but of a *moral reason,* which intuits moral axioms or norms in much the same way that the reason intuits the general axioms or principles of logic and mathematics. In any case, formalism is divided into theories of moral sense and moral reason and we shall consider it under these two heads.

FORMALISM AND THE THEORY OF A MORAL SENSE

Those who believe in a special moral sense think of the rightness or wrongness of an act in the same way that we think of the color or taste of an object or of its heaviness or size. The moral act is a thing or object, a happening, and the rightness or wrongness is a quality that is supposed to inhere in the object or happening, in somewhat the same way as the color or weight is thought to inhere in the object.

This way of thinking is natural—so natural in fact that we see the same line of thought applied to what we call the esthetic characters of things. Thus it is hard to believe that what we call the beauty of a sunset or of a human form is not somehow in the objects or that a hideous negro mask is not somehow intrinsically ugly. It is even more difficult perhaps to believe that there is not some inherent quality of badness in an act of cannibalism or incest, quite apart from the relations of these acts to the purposes of life and from the consequences which they entail. The natural repugnance we feel towards the torturing of a little child does not seem to be adequately explained or justified if the act itself, as such, is not somehow wrong in the very nature of things.

However natural this way of thinking may be, this is not the kind of formalism commonly advocated today. The reasons for this are not far to seek. For one thing, the whole idea of a moral sense, analogous to the physical senses, is out of harmony with modern psychology which recognizes no such thing as a special moral "faculty." This aspect of the question will be taken up in a later connection and need not be gone into here. Even more important in bringing this about is a change in our views of the nature of sense qualities with which the moral qualities were made analogous.

We naturally think of good and bad, right and wrong, as simple qualities inherent in the act. This follows from certain deep-seated habits of thought and speech. When for instance we say, this stone is heavy, this gold is yellow, we naturally think of the stone as a thing or substance and the heaviness or yellow as qualities that inhere in the things. It is only natural that when we use the same form of words, this act is good, this act is bad, we should carry over the same idea.

But even in the case of the sense qualities we know now that these qualities, such as heaviness or yellow, do not inhere in the stone or the gold, but are rather "functions", as we say, of their relations to other things. Moral qualities of actions are even more obviously functions in this sense, and for this reason, those who hold the doctrine of inherent moral value today are inclined to think that right and wrong are not qualities of single acts apprehended by a special moral sense, but apply rather to general principles or norms of conduct that are apprehended by reason. On this view, the rightness or wrongness of the particular act is determined by its relation to these general principles or laws and this determination is a function of moral reason.

KANTIAN FORMALISM. THE THEORY OF MORAL REASON

The great representative of the doctrine of moral reason and of moral law, is the famous philosopher, Immanuel Kant. The quotation from his writings with which this profound moralist is almost invariably introduced, gives the key to his thinking. "Two things," he cries, "fill me with awe, the starry heavens above and the moral law within." This awe in the presence of the "reign of law" in nature and in man is the key to all Kant's thinking. As he sought to put physical science and the laws of nature on a sound basis—as against the scepticism of Hume—so he also sought to maintain the objectivity of moral law against the scepticism and relativism that had grown up in the eighteenth century.

It is impossible to do justice to this great thinker in a few paragraphs, more especially as the main drift of our study must be critical. For one thing, it should be emphasized that the rigorous and formalistic character of Kant's conception of morals did not prevent him from being at the same time one of the most forward-looking and progressive social and political thinkers of his time. Kant was a vigorous advocate of political liberty and the rights of man. He was a strong believer in moral progress and argued eloquently for internationalism and permanent peace between the nations. It will help us to catch some of the spirit of this great thinker if we realize from the start that it was precisely because man is the bearer of moral reason and the moral law, that he has for Kant such high value and dignity, and should for this reason always be treated as an end in himself and never as a means to ends.

THE CATEGORICAL IMPERATIVE

Kant agrees fully with the general idea of formalism that the moral value or quality of an act consists in something absolute and inherent in it, quite irrespective of the consequences that flow from it and of the end that may thereby be achieved. He expressed this idea in his well-known doctrine of the *Categorical Imperative.* What Kant meant by this expression is that the moral quality of an act always shows itself in the fact that it comes to us as a command or an imperative. It comes, moreover, categorically, that is unconditionally. We often act, it is true, from considerations of utility or expediency, and actions proceeding from such motives are in their place both reasonable and legitimate; but such motives do not have the moral quality. It is, according to Kant, both sensible and reasonable to say, if you do not want to be sick, refrain from eating such and such food; but the mere fact that it is sensible and reasonable does not give it a moral quality. This moral quality would enter only at the point where I felt that I *ought not* to make myself sick. In other words, if an act is to have moral quality, this sense or feeling of unconditional *oughtness* must enter in somewhere. Kant expresses this idea by saying that the moral quality is connected with the *form,* not with the content of the act. Moreover, we know this moral quality of the act by its categorical form and this knowledge is a matter of direct intuition; or, as Kant says, it is immediate or *a priori* knowledge.

THE SENSE OF OBLIGATION AS UNIQUE

Now it is, as we have seen, in a sense easy to explain or explain away this sense of oughtness. It is possible to think of it as a survival of early *tabus*. It is possible to point out psychologically how we forget the origin of our feelings and the associations under which they have grown up, and come to think that the quality of oughtness is underived and unconditioned. Kant was not, of course, unaware of these things. In his day it was customary to explain obligation in this psychological way. The ideas of good and bad, and the feelings of obligation connected with them, were explained as the result of early associations with pleasurable and painful consequences which were then forgotten. For Kant this appeared to be a wholly superficial point of view. He points out not only that the quality of the feeling of oughtness is quite different from the feelings of pleasantness and unpleasantness, but also that we can no more derive the idea of a categorical and unconditional obligation from such associations than we can derive the idea of necessary cause from mere associations, as the empiricist and sceptic Hume attempted to do.

In this part of his argument Kant was undoubtedly right. As a matter of fact, his entire point was misunderstood by the empiricists of his day, just as it is often misunderstood by people now, for whom there is much less excuse. Kant did not, of course, mean to deny the changing content of morals in the history of the race, or that the objects towards which men feel obligation have been the product of experience. He did insist, however, that to show psychologically or sociologically how different actions have come to be considered right or wrong does not explain the difference between the feeling of obligation and other kinds of feeling.

The sense, the meaning, of obligation—what he calls the *form* of the moral act—is so different in quality that it cannot be explained away in terms of other kinds of feeling.[1]

MORALITY A MATTER OF REASON, NOT OF FEELING

The moral quality of an act always shows itself to us in the form of such an imperative—as obligation or oughtness. But—and this is the important point in the understanding of Kant's position—this fact does not exclude the further fact that we can give *reasons* for this oughtness and this value. Morality is a matter of reason for Kant, not of feeling. We can, in fact, always *see the reason* for any one of the great moral imperatives. The body of everyday morality is made up of a number of commands or norms, mostly in a negative form. Thou shalt not steal, thou shalt not kill, thou shalt not commit adultery, *etc.* These maxims or norms of morality come to us, it is true, categorically and unconditionally; but it is possible to find the general principle or law that underlies all these separate commands, just as in other fields of human knowledge and reason it is possible to discover the more general principle or law under which particular laws or rules are subsumed. To this task Kant set himself, namely to formulate the ultimate "imperative of the practical reason" in terms of which the moral rules are to be understood.

Before stating this general law we must make a comment on Kant's conception that morality is a matter of reason, not of feeling. It is not unnatural to think that when we call an act right or wrong we are expressing a feeling rather than a judgment of knowledge or reason. We say, indeed, that we "feel" that a thing is right. We feel obligation and our conscience has feelings of satisfaction or remorse. Such expressions are partly due to the fact that in our ordinary language we use the word feeling without much discrimination, as when we also say, for instance, that we "feel" that a statement is true. They are also due to the further fact that while morality is a matter of judgment or reason, feeling is present to a larger degree than in those activities of reason connected with what we call science. But Kant's point—and it is a sound one—is that feeling is not the essential character of the moral judgment. Feeling is always personal in character, while reason is impersonal. Wherever knowledge is sought, we must strive to go beyond our own personal desires and feelings to some truth that is independent of them. This is characteristic of all knowledge we call science and moral knowledge is no exception to the rule.

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[1] For a good modern statement of this same general position, see Eddington, *Science and the Unseen World*, pp. 50 ff. For Eddington, as for Kant, science is wholly incapable of explaining the meaning of obligation.

THE FORM OF MORAL REASONING. ITS DISTINCTION FROM ARGUMENTS FROM UTILITY OR EXPEDIENCY

Kant maintains, then, that the moral judgment is a judgment of reason, not merely an expression of feeling. The moral fact or moral experience comes, we have seen, in the form of imperatives. Moral reason would then express itself in a more general or universal imperative which would include the lesser norms and show their meaning or reason. The ordinary maxims of morality could then be shown to be special cases of a single general maxim or principle. This general principle he formulates in the following way. "Act only on that maxim that thou can'st will to be a law universal." Kant's thought here may be stated in this way. Everyday morality comes to us as a body of maxims or rules of different origin and of varying significance. There are imperatives of mere custom or social pressure, there are maxims of common sense, in the sense of mere expediency, and there are maxims of a more fundamental and moral quality. How shall we distinguish the moral from the non-moral? The criterion of the moral is for Kant this principle of universality.

Kant is most insistent in distinguishing this form of moral reasoning from other kinds of practical reasoning. There is a mode of reasoning in matters of practice with which we have become familiar, namely that of expediency or utility. We start, let us say, with the common sense view that to tell the truth is good and to tell a lie is bad. There arises an irresistible pressure of desire and feeling to tell an untruth —to make an exception. For the making of such exceptions we can give all sorts of reasons and marshal all sorts of arguments. For Kant, however, this is not moral reasoning. It is what he calls the reasoning of expediency or utility, and while it is a form of the practical reason, it is not the moral form. The moral form is that alone which recognizes that the right, to be really right, must have the character of universality and necessity.

AN ILLUSTRATION OF KANT'S PRINCIPLE

Kant illustrates his principle in detail in his *Metaphysics of Morals*. A man finds himself forced by necessity to borrow money. He knows that he will not be able to repay it, but sees also that nothing will be lent to him unless he promises stoutly to repay it at a definite time. He desires to make this promise but he has still so much conscience as to ask himself, is it not unlawful and inconsistent with duty to get out of my difficulty in this way? Suppose, however, that he resolves to do so, then the maxim of his action would be expressed thus: When I think myself in need of money, I will borrow money and promise to repay it, although I know that I can never do so. Now this principle of self-love or of one's own advantage may perhaps be consistent with my whole future welfare, but the question now is, is it right? I change then the question of self-love into a universal law, and state the question thus: How would it be if my maxim were a universal law? Then I see at once that it could never hold as a universal law of nature, but it would necessarily contradict itself. For supposing that it be a universal law, that everyone when he thinks himself in difficulty should be able to promise what he pleases, with the purpose of not keeping his promise, the promise itself would become impossible, as well as the end which one might have in view in making it. Kant illustrates his principle in connection with other moral problems such as the desire to take one's own life, etc., but one is sufficient to make clear the point.

Kant's position, it will be seen, is that morality is a matter of rational insight. I see at once that the exception I propose to myself, dictated by the maxim of self-love or expediency, could never hold as a universal law of nature. It could not hold, any more than an exceptional happening that violated the universal principle that everything has a cause, could be conceived as holding in physical nature.

For this reason Kant is disposed to carry all morality back to a principle of rational consistency. In other words, the moral is the rational or consistent, the immoral is the irrational and inconsistent. In the illustration proposed the immorality of breaking one's promises is evident, in that it is ultimately self-defeating, in that it makes both the act itself and the end involved in the act ultimately impossible.

Morality being of this nature, according to Kant, it is again easy to see the force of another of his famous sayings. "Nothing," he says, "can possibly be conceived in the world, or even out of it, which can be called good without qualification except a Good Will." What Kant means by this is that, while there are innumerable things in the world that we call good or valuable because of their utility, because they are instrumental to other goods, the good will is the only thing that has intrinsic value. Even if, with the greatest efforts it should achieve nothing, and there should remain only the good will, then, "like a jewel it would still shine by its own light, as a thing which has its whole value in itself."

Kant is a *consistent* thinker, intent upon thinking things through and not afraid to draw the consequences of his argument. For him, then, duty for duty's sake becomes the practical maxim of the moral life, because it is the only form of practice consistent with moral insight or reason.

CRITICISM OF FORMALISM

We have now the essential principle of formalism before us in what is generally believed to be its most impressive and most tenable form. The formalistic attitude is, as we have said, still so widespread and of such power and influence that it demands a most careful examination. A critical examination of it in the Kantian form, will perhaps enable us to see the elements of truth and falsity in the entire position as such.

Formalism, at least as developed by Kant, is intended to be both a practical test of right and wrong and a true theoretical account of the basis of distinctions of right and wrong themselves. He is dealing with the "practical reason" of man or with reason in its practical activity. From the point of view of practice, the test for right and wrong proposed by Kant does work up to a point. It constitutes a good negative guide to conduct. In general it may be said, that to ask ourselves whether we can will an act to be "a law universal," whether as rational beings we can contemplate the idea that everybody should do it, is an excellent way of finding out what we should not do. It may be said without hesitation that the man who followed Kant's principle—who would not, for instance, evade the income tax, or violate the prohibition law, because he can not contemplate the idea of everybody evading his obligations or violating laws without the feeling that it is repugnant to his deepest reason—is in every way a better citizen than the man who consulted either what Kant calls his self-love or expediency. The reason for this is that whatever the ultimate grounds of morality may be, it at least is, in some sense, objective and, to some degree at least, universal. Kant's principle recognizes that fact.

THE PRACTICAL WEAKNESSES IN KANT'S PRINCIPLE

But even as a practical test Kant's principle soon shows its limitations. It is chiefly as a negative guide that it functions, and morality, on its higher levels at least, is positive and not negative. Negative morality conserves values but does not create new ones. Even as a negative guide, however, Kant's principle presents difficulties which we can not overlook. Comprehensive as it is, it really affords no satisfactory guide in the complexities of the moral life. Mere universality, Kant's formal test of consistency, in itself affords us no certain practical rules of conduct.

The reason for this seems to lie, in the first place, in a certain ambiguity inherent in the principle of universality itself. In applying it two interpretations seem to be possible, either one of which lands us in certain serious practical difficulties. Does the test of universality apply to each particular situation or problem as it arises? If so it becomes extremely lax. Thus to take an illustration, a bank cashier has been speculating in the stock market. He requires a certain amount of money for twenty-four hours, in order to meet a demand to cover his margins. He can in all probability abstract certain funds from his bank without the fact being discovered. It is almost certain that the money will not be lost and that he can return it without the bank being the loser and without any one being the wiser. On the other hand, not to do so means complete ruin to himself and family. It is quite conceivable that a man, faced with such a situation and asked to apply Kant's principle of universalization, might quite honestly say: Yes, if any one else is in quite the "jam" I find myself, let him do likewise. I *can* will that my action be a universal law.

Such an interpretation would undoubtedly lead to a very lax morality. It is precisely the way many people reason, especially in matters of the heart and of sex morality. There is scarcely any deviation from the norms of conduct in this sphere which can not be "rationalized" in this way. Such situations for the person in love are always unique. Kant would, of course, have no sympathy with the lax morality which such an interpretation of his principle would involve. His morality was essentially a rigorous one. He meant his principle to be applied to classes of acts rather than to particular situations, and accepted all the rigorous consequences which such an interpretation involves. But this interpretation has its difficulties, both practical and theoretical, no less than the lax interpretation. It leads to the moral fanaticism of which we spoke in an earlier connection—that excess of logic which would lead a Fichte to say, if my wife must die of the truth, let her die.

Formalism, as thus interpreted, necessarily admits of no exceptions and will not permit of testing moral principles by their consequences. But life is complex and changing, and consists of exceptional cases in the sense that it is made up of particular actions, and particular actions are always performed in particular circumstances. It is a fundamental moral principle that murder is wrong, but who would say that the English officer, who in the Indian mutiny killed his wife to prevent her falling into the hands of the mutinous Sepoys, did wrong? Again, it is wrong to tell lies, but under certain circumstances it may be quite right, as we have seen, to speak falsely with the intention of deceiving. In war it is quite right for a captured soldier to give false information to his captors. Perhaps conventional morality will exclaim, "O, but I don't call that murder, I don't call that a lie." But they *are* deliberate taking of human life and deliberate speaking with intention to deceive. The respective duties, to respect life and to tell the truth, have simply been over-born by higher duties. Are moral laws then made simply to be broken? Hardly so. They do hold, on the whole. But they remain in the last analysis conditional and thus hypothetical.

The extreme rigorism inherent in formalism easily leads to forms of moral fanaticism and sentimentalism that are out of touch with actuality. The fanaticism possible we have already seen. The principle of duty for duty's sake, without reference to the meaning of that duty, leads to such moral grotesques as inhuman sacrifice of life to the abstract ideal of truth. It is in connection with a similar principle of "virtue for virtue's sake" that an unpleasant element of sentimentalism may enter into the moral life. During the World War, for instance, one frequently heard the war, with all its horror and brutality, justified because of certain virtues it was supposed to bring out in men. "The war is already won," cried one moralist, "in that it has shown the capacity of man for loyalty and self-sacrifice!" Quite apart from the question of the actual moralizing or demoralizing character of war, the mere fact that the human mind could "rationalize" the war in this way shows the lengths to which a conception of morality of this sort may go. Morality was made for man, not man for morality; and when this normal relation is perverted it leads to sentimentalism, as unreal as it is cruel and callous. In his play, *Brand,* Ibsen has satirized his conception of morality in an unforgettable manner.

THE THEORETICAL WEAKNESS IN KANT'S FORMALISM

It seems certain, therefore, that there can be no satisfactory practical test of moral rightness and wrongness that is exclusively formal. That which is true in all our practical reasoning about moral situations becomes all the more evident when we look at the problem theoretically. It can be shown that Kant's own principle or criterion presupposes teleology.

Let us look again at his principle from this point of view. It is of course perfectly true that no rational man can will that stealing or adultery should become universal. It is evident that, if he can not will these things to be laws universal, he can not rationally will them for himself. And such an impartial way of viewing the situation constitutes, as we have said, a good negative guide to conduct. But the moral sceptic, and the critical thinker in general, may properly ask, why *not* will that men should generally break their promises, steal their neighbor's goods, and commit adultery with their neighbors' wives? Kant would answer that such action is repugnant to reason, and in this he is right. But it is repugnant to reason only if it can be shown that the institutions of property and the monogamous family are rational—that is, that they are the necessary conditions or instruments for the realization of human welfare, however we may define it.

It is important to emphasize this last phase of the argument. Kant's principle of universality actually assumes or presupposes the good or value of these institutions, the norms of which our moral reason tells us we must not violate. No reasons for the good or value of these things can, however, be given which are not of a teleological nature. No theory of morals can stop short of asking these questions—why are these things good? Any theory of morality must ultimately become teleological. In the preceding chapter we saw that the range of variation in moral judgment, though considerable with regard to particular acts, is comparatively limited when it comes to types or classes of acts. Even here, however, important divergences occur. For one man the institution of private property is the sacred foundation of society, for another it is the source of all injustice. For one man the institution of the permanent monogamous family is the condition of human welfare; for another it is the fruitful cause of inhuman and unnatural restrictions. The real problem of morals is not the discovery of a formal test for the rightness or wrongness of particular acts, but the determination of the value of the institutions or the forms of life with which our duties are connected and which they presuppose. We must conclude then, that morality is hypothetical in the large sense that the principle of universality presupposes teleology.

CONCLUSION

The idea of morality embodied in the theory of formalism is, as we have said, so wide-spread and of such great influence and power that we can scarcely dismiss it as a mere superstition or as due simply to fallacies of thought. The fact that it is a part of "common sense," in one of its moods at least, suggests that it expresses one important aspect of the truth. The peculiarly able way in which Kant thought out this theory makes it possible for us to determine this truth. Kant's analysis of morality has fixed clearly certain things which can not be obscured by his own inadequacies and inconsistencies, or disproved by any later developments of thought.

That which formalistic theories, of whatever type, have always stood for is the objectivity of morality—in other words, that moral distinctions are not a matter of personal feeling, and right and wrong not a matter of mere opinion. In this, the present writer believes, they have had a sound insight, although they have not always expressed it satisfactorily. In some sense, right and wrong are part of the nature of things. We shall attempt to formulate a conception of moral objectivity in Chapter XVI.

In the second place, formalistic theories have always stood for a distinction between morality and expediency. Kant, as well as other formalists, has made this difference clear. Although a teleological theory may be ultimately necessary in ethics, it will not do to interpret teleology in terms of mere expediency or utility. One of the grave difficulties that always besets any practical application of teleological reasoning is the tendency to debase it into the principle that "the end justifies the means."

In the third place, Kant has shown that somewhere in our moral experience there must be an element of inherent or intrinsic value. He was doubtless wrong in seeking it in specific norms or laws of morals, or in some universal logical principle that embodied these norms. But he was right in the idea itself. Moral reasoning must be teleological, not merely formal, reasoning from ends to means and from means to ends. But it remains true that somewhere in that reasoning we must come to ends that are good in themselves. There must be intrinsic good somewhere. Kant grasped this point clearly and no student can go far in the understanding of morality without seeing it also.

Intrinsic value has been attributed to mere "life" as such, to the pleasurable state of consciousness accompanying life and its processes and to self-hood or character realized in life. To the examination of these conceptions we shall now turn.

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CHAPTER IV

HAPPINESS AS ULTIMATE VALUE: HEDONISM AND UTILITARIANISM

There are, as we have seen, only two possible forms of teleological ethics, Hedonism and Perfectionism. In his *Methods of Ethics* (p. 115) Sidgwick says: "I shall therefore confidently lay down that if there be any good other than happiness to be sought by man as an ultimate practical end, it can only be the goodness, perfection or excellence of human nature." In this Sidgwick is undoubtedly right. To these two views all possible variants ultimately reduce.

Now of these two views the most immediate and natural is that the end is pleasure, happiness, blessedness, or whatever other synonym we may choose. It is, so to speak, the native form in which any reasoning on means and ends finds expression. It is, in a sense, part of common sense. Moreover, it is the ruling conception of a large part of classical ethics when it first became a reasoned system of thought, a system of values, and it is the ruling conception also of a large part of ethics today. The presumption is therefore in its favor. It must receive our first and most serious attention.

The reason for its first place in common sense and theory alike, is obvious. If we think in terms of *utility,* we value our actions for the results they bring forth for ourselves and others. What more natural than that we should ask whether in this series of means and ends, of causes and effects, there is not a final term for which the others are there? And what more natural again, than that this final term should be found in the state of feeling, in the satisfaction which the fulfillment of desires and the realization of the proximate ends brings about? Thus it is that Sidgwick, in choosing between the two possible forms of teleological ethics, comes to this conclusion: "When we sit down in a cool hour and ask what it is that is good and valuable in itself, we find that it must be a pleasurable state of consciousness."

This is the ethical theory called hedonism, and it consists in making ultimate value, or the good or valuable in itself, *identical* with a pleasurable state of consciousness. We have already seen how this is done in the case of certain arguments in the Bollenger baby case. When, it was held, "a child takes all the pleasure out of life for the parents, and is not beautiful or even good to look at, and is helpless, I think such a person should not be allowed to give unhappiness to the living."

HISTORICAL REPRESENTATIVES OF HEDONISM

It is precisely because of the natural character of this theory that it is the earliest to find expression in the thought of the Western world. It is customary to think of Socrates as the first reflective moralist, and when he began to try to give reasons for the good he expressed himself in language that was hedonistic in character. So natural is this view that Aristotle in the *Nicomachœan Ethics* admits that "verbally there is very general agreement" (as to what is the good); "for both the general run of men and people of superior refinement say that it is happiness and identify living well and doing well with being happy. To say that happiness is the chief good seems a platitude."[1]

But whereas Plato and Aristotle start with this platitude they find, on more careful analysis, that the good is not in the pleasurable state, but in the activity or functioning of which pleasure is the accompaniment or sign. Certain of the Greek philosophers, on the other hand, found the good in the pleasurable state itself. The Cyrenaics, following Socrates, and later the Epicureans, were the representatives of hedonism proper. Epicureanism exerted a profound influence on Greek life and thought and also made its power deeply felt in the period of the Roman empire.

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[1] *Aristotle* (Modern Students Library). W. D. Ross, p. 220.

With the advent of Christianity, hedonism gradually declined and ceased to be accepted. It was not only out of harmony with Christian ideals of life, but the Christian thought of medieval times was so completely under the dominance of Plato and Aristotle that their ethical ideals and theories were accepted also. It was not until the Renaissance that hedonism regained its influence. In the seventeenth century it was resurrected again, chiefly by Hobbes and Locke, and from this time on, it has been an influential theory, especially among English speaking moralists and philosophers. Hume, Paley, and especially Bentham and Mill, have contributed the most in modern times to the revival of hedonism.

In recent times hedonism has been chiefly associated with what is called *Utilitarianism*. Utilitarianism (in this restricted sense) holds that the end of human action is happiness or pleasure, and that what determines the good or bad of human action is the pleasure or pain that result from our actions. In his famous work, *Utilitarianism*, J. S. Mill states the essence of his creed in the following forceful words: "It is the creed which accepts as the foundation of morals utility, or the greatest happiness principle, and holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure."

In the last quarter of the nineteenth century utilitarianism underwent a series of profound changes through the application of the theory of evolution to ethics. The main effect has been, as we shall see in the next chapter, to minimize the importance of hedonism, but in so far as evolutionists have remained hedonists, the result has been to reduce pleasure from the rôle of the end of conduct to that of criterion. For Herbert Spencer, to take but one example, the end of moral development is simply the development of life itself. If we ask, however, what criterion tells us whether an action makes for this development, the answer is pleasure and pain.

THE ARGUMENT FOR HEDONISM. PSYCHOLOGICAL HEDONISM

One of the most impressive reasons, at first sight, for holding that value and pleasure are identical is the fact, as it is supposed, that every one does actually seek pleasure as his ultimate motive or object. This theory that pleasure is the motive of every act is called *Psychological Hedonism.*

The classical statement is that of Jeremy Bentham who said: "Nature has placed mankind under the dominance of two sovereign masters, pleasure and pain. It is for them alone to point out what we ought to do, as well as to determine what we shall do." This generalization regarding human nature and human motives is thought to be in a way similar to such generalizations as the law of gravitation or conservation of energy and thus to afford a psychological or scientific basis for human conduct and its evaluation. We shall have to ask two questions regarding it: (1) Is it true? Is it a fundamental psychological law? and (2) Even if it were true, would it form the basis for what is called Ethical Hedonism?

There are certain facts that make this generalization at first sight highly plausible. The first group are such as common sense always and immediately brings to our attention.

It is certainly true that many do pursue pleasure and that all men consciously seek pleasure at times. Is it not then probable that we are always really under the control of this motive, as Bentham insists, but that we often conceal our true motives, not only from others, but also from ourselves, by the camouflage of such words as duty, virtue, self development, etc.? A certain French cynic remarked that all human motives could be reduced to three: hunger, lust and envy. Cynical hedonism is but the carrying out of this simplification of human motives one step further—all being reduced to the single dichotomy of seeking of pleasure and avoidance of pain.

In the second place, morality must be teachable, and moral education seems to proceed by the sanctions of pleasure and pain. In the childhood of both individual and race, it is by appeal to these motives that practical morality is uniformly taught. Is it not then highly probable that just such a mechanism of human motivation as Bentham describes must be presupposed?

CRITICISM OF PSYCHOLOGICAL HEDONISM

The facts just brought to our attention are not to be denied; it is rather a question of determining their significance. It is, in the first place, true enough that we are constantly deceiving ourselves—in the slang of the present day, "rationalizing" our conduct. It may be that when we suppose ourselves to have other motives than the desire to secure pleasure and to avoid pain, we are really deceiving ourselves, and it is certainly the part of wisdom to be realistic in this matter and to face the facts. It is also true that a large part of social discipline and control seems to be achieved only by what we call appeal to the "lowest motives," namely pleasure and pain. The deterrent theory of punishment is, for instance, based upon this assumption, and it may be that, in reality, all of us are constrained to do "good" and deterred from doing "evil," only by motives of this kind. What then are the facts in the case?

It may be said in the first place, that most modern ethical thinkers, even those who uphold the standpoint that happiness or pleasure is the ultimate value, do not agree with Bentham on this point. In other words, they hold that, while Bentham was right in holding that it is for pleasure and pain to determine what we ought to do, they do not, as a matter of fact, necessarily always determine what we shall do. Modern psychological analysis seems to justify that position and it seems quite generally agreed that Bentham's generalization was based on faulty analysis and "bad psychology."

It seems beyond question that a large part of human behavior is not *consciously* motivated by the desire for pleasure and the fear of unpleasantness or pain. What we call instinctive and habitual actions certainly have no such conscious motivation. In a large part of our behavior at least, the *desire* to secure pleasure and to avoid pain is not part of the cause or motive of the act. It is true that the satisfaction of instinct and the repetition of habit are normally accompanied by pleasure, and their inhibition by pain or unpleasantness. But the result is not the cause. Psychological hedonism in these cases places the cart before the horse, by explaining tendency in terms of an antecedent pleasure. The very opposite is the truth. Pleasure does not precede tendency or end, but depends upon a prior tendency or end.

But how about acts of deliberate choice? it will be asked. For after all it is with this type of acts that ethics is primarily, if not wholly, concerned. Appetites and habits come into the field of morals only in so far as they are conceived to be the resultants of such choice. Surely here the desire for pleasure and the avoidance of unpleasantness and pain are the conscious conditions of choice of actions, and this law of motivation holds for all morally significant behavior.

Before considering this question more closely, it should be noted that in the very form of statement of this question a very important assumption is made, namely that there *is* deliberate choice, in other words the assumption or postulate of the freedom of the will, in some sense. This is not the place to take up this question, but simply to point out that freedom is just this ability to have conscious motives. Psychological hedonism holds, then, that whenever we have conscious motives, these are found reducible to the desire for pleasure and the avoidance of pain. Is this statement psychologically true?

There are certain stock illustrations which are constantly used when this present question is under discussion. We are asked to consider a mother sacrificing herself for the sake of her child; a man deliberately risking his life to save another human being from drowning; or a martyr choosing rather to be burned at the stake than to renounce the truth or his God. Common sense, our ordinary sound human understanding, is never in any doubt in such cases. Surely, these are "disinterested" actions. Surely, the mother, the hero, or the martyr, as the case may be, are not consciously seeking their own pleasure. Yet the psychological hedonist must, of necessity, insist that they are. Does not, he triumphantly asks, the mother get pleasure out of her sacrifice, or the martyr out of his choice? To this common sense answers, "certainly." Was not then the pleasure or happiness the object or motive of the acts in question? Surely not, common sense replies. They never once thought of themselves and their own pleasure at all.

And surely common sense is right. Surely common sense is here the better psychologist. Only a mind blinded by theory could, we feel, so distort the facts of human consciousness. We feel ourselves in agreement with Gilbert

Chesterton when he says, that the utilitarian who so distends the meaning of the word selfishness as to say that a man is self-indulgent when he wants to be burned at the stake, is talking nonsense. He may indeed give us an illogical kick, as Chesterton further says, by using a bad word for what is better expressed in better words, but if we actually took him seriously, as fortunately we do not, all intelligible moral meanings would cease.

It is really not difficult to put one's finger on the fallacies that underlie this generalization of Bentham's. Perhaps the most obvious is one pointed out by William James when he says, that to argue that because all our acts are accompanied by feelings of pleasure and pain, therefore they are the motives of our acts, is like arguing that because an ocean liner constantly consumes coal on its passage, therefore the purpose of its voyage is to consume coal. A somewhat more subtle fallacy has been pointed out by various critics when they say that the psychological hedonist fails to distinguish between "pleasure in idea" and the "idea of pleasure." Because a mother takes pleasure in self-sacrifice for her child, in the idea of her child's welfare, it does not at all follow that it is an idea of pleasure, of her own pleasure, that constitutes the motive of her act.

The student should be cautioned here against misinterpreting this criticism of psychological hedonism. In order to disprove Bentham's generalization it is not necessary to show that deliberate pleasure seeking is not a human motive—that the idea of pleasure is not an important moving force in human life. We may say that some men seem to seek pleasure all the time; and all men seek pleasure part of the time. It may even be legitimate to seek pleasure for its own sake at times. To refute the principle of Bentham it is only necessary to disprove the *universality* of the pleasure motive, and for that very little knowledge of human behavior is sufficient.

ETHICAL HEDONISM AND THE THEORY OF VALUE

Nietzsche, with his customary mordant wit, has said, "Mankind does not desire happiness; only the Englishman does that." Although manifestly unfair, this quip is in so far true that it is largely as the result of English utilitarianism that this falsification of human nature by theory has come about. Psychological hedonism must be rejected as inadequate to explain the facts of human conduct. Enlightened common sense and a really understanding psychology agree on that point.

But this by no means disposes of hedonism as a theory of moral value, or of the happiness theory as a philosophy of life. Indeed it has been pointed out that the very fact that we *do not* always seek pleasure as our end might be the very ground for saying that we *ought* to seek it. We usually say that we ought to do a thing only because we often do not do it. Pleasure might be the true and ultimate value of life, and our seeking other ends and our employment of other standards might be the result of stupidity or self-deception with regard to the nature of our own good.

Ethical hedonism then, as distinguished from the psychological formulation of the theory, claims, not that we necessarily always do have pleasure as the ultimate motive of all our acts, but that we ought to, and that if we were always reasonable we should. The grounds for this claim are that if we try to think out wherein the good or value ultimately consists we are forced to the conclusion that they can consist only in pleasure. In the words of Sidgwick, already quoted, "When we sit down in a cool hour and ask ourselves what it is that is good or valuable in itself, we find that it must be a pleasurable state of consciousness." Ethical hedonism, in the strict meaning of the words, always does, and indeed must, necessarily identify ultimate value with pleasure. For it pleasure and value are the same thing.

Before examining the grounds for this contention let us note that there are other possible ways of conceiving the relation of pleasure to value. No one doubts that there is some close relation between the two, but there is great difference as to what the nature of that relation is. It is entirely possible that wherever there is realized value a pleasurable state of consciousness is always present, but it might be merely the accompaniment or sign of the value, and not the value itself. Again, it might be that a pleasurable state of consciousness is a necessary part of any value, but not the whole of the value. The point is that for hedonism it is necessary that the two concepts should be considered as identical.

HEDONISM AND COMMON SENSE

We have seen in our earlier analysis of judgments of right and wrong, that one of the reasons commonly given is that the acts in question lead to happiness or unhappiness. The assumption clearly is that it is this fact that gives them their value, positive and negative. It is also assumed that we know without any question that it is in happiness or pleasure that intrinsic value is to be found. In other words, common sense tells us immediately or intuitively that the only thing good in itself is a pleasurable state of consciousness. Our first question then is whether this is the actual deliverance of common sense—whether the ordinary good sense of mankind *is* hedonistic, as it appears to be?

The only answer to the question is to interrogate our common sense more closely in order to see whether it has actually understood itself. In a well-known passage of his *Ethics,* Paulsen has attempted to press this interrogation more deeply and comes to the conclusion that when common sense *appears* to say that value and pleasure are identical, it has misunderstood itself and says something quite other.

Suppose, he asks, it were possible to procure a drug that would keep you in a continuous state of pleasurable consciousness; a drug, moreover, that had none of the deleterious and unpleasant consequences which normally accompany drug-taking—would you take it? Paulsen thinks that most men certainly would not, and I think that in this conclusion he is undoubtedly right. The reason he gives is that while men may *say* that the only thing that is good in itself is a pleasurable state of consciousness, in their heart they know that it is not. The state of pleasurable consciousness described is precisely the *summum bonum* of a hedonistic theory, if its identification of value with pleasure is sound. But such a life would have no meaning, for it would lack wholly the element of activity, of energizing and development of our powers, which all of us realize, intuitively as it were, is an essential part of the "good life."[1]

For myself, I think that Paulsen is right in this analysis of common sense, and the argument becomes even more forceful if we transfer it from the realm of the individual to that of social value. One might conceivably choose the life thus described for himself, but would one choose it for his child? Which would he prefer, a life of pleasure or even of passive happiness, without struggle or accomplishment, or the latter even although accompanied by pain? Still more when we try to contemplate the ends of society or humanity in general, do we find it difficult to identify value with a pleasurable state of consciousness? What value would a "golden age" of comfort and pleasure have if men deteriorated and became weak? It is true, we can not contemplate as of value a life of humanity which issued in pain and unhappiness, but equally difficult is it for us to contemplate as good a life that degenerated into complete inactivity, no matter how pleasurable the accompanying state of consciousness might be.

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[1] E. Paulsen, *System of Ethics*, Bk. II, Chapter II.

The point of Paulsen's illustration, and of the argument drawn from it, is this. Common sense does not actually find the *locus* of value in the pleasurable state, but in the activity, the functioning, of which the pleasurable state is the accompaniment. It may appear to find it in the pleasurable state of consciousness, as Sidgwick maintains, but it is merely in appearance. The functioning, the complete development and energizing of our capacities, are not means to value but are the value.

QUALITATIVE HEDONISM. DIFFERENT KINDS OF PLEASURE

It is sometimes maintained, in reply to this argument, that the refusal to choose the drug under these circumstances represents not the choice of something else in place of pleasure, but rather of one *kind* of pleasure over another. The pleasure afforded by the hypothetical drug may indeed be constant and uninterrupted, it may also be free from the element of displeasure that normally accompanies the taking of a drug, but it lacks the *quality* that belongs to the pleasure that accompanies activity or the energizing of our natural functions. In other words, common sense is not choosing something else rather than pleasure, but merely one kind of pleasure in place of another, a higher rather than a lower pleasure.

It can not be denied that this counter-argument has a very real appearance of truth; to some it seems to take the force out of the drug argument. As a matter of fact, the idea underlying this reply has been made the basis of a famous modification of the hedonistic theory, namely John Stuart Mill's theory of Qualitative Hedonism, or the doctrine of different kinds of pleasure. We shall therefore consider the present question in connection with an examination of this theory.

Mill's theory has become famous in the history of ethical thought for two reasons. For some, because it appears to be a needed correction of ordinary hedonism; for others, because it appears to them to be virtually an abandonment of hedonism. Although professedly a hedonist, and a representative of the English utilitarianism derived from Bentham, Mill would, the latter maintains, were he consistent, give up the hedonistic position.

Mill's point is that the old-fashioned hedonism does not correspond to the facts of human nature and of common sense. For Bentham, pleasures are essentially homogeneous, differing only quantitatively, chiefly, although not wholly, in their intensity. Mill holds that they are intrinsically heterogeneous, differing in essential quality also. There is a fundamental difference between those pleasures that are most intense and those which are "higher" or "best worth having." The criterion of superiority in the second of these two senses is the choice of the rational human subject governed, as Mill says, "by his native sense of dignity. Better a Socrates dissatisfied than a pig satisfied."[1]

Mill is generally supposed in the foregoing position to have unwittingly introduced a standard of value inconsistent with his profession of hedonism, and it seems clear that he has. It is true that in one sense this does not follow. If it is desire of it that makes pleasure the good, then the preference of one pleasure over another will make that pleasure better whether it is intensity or some other standard that is employed. But to say this is, I think, to miss the main point, which is that, in Mill's theory, the *standard* is taken from some other sphere than pleasure itself. Now practically we are, of course, much more interested in the relative good of things, in the scale of values, than in the abstract question of the nature of the good itself. But this is true of ethical theory also. We are interested in determining the nature of the good or value, only that we may use our knowledge in establishing standards or criteria. Mill's position does abandon pleasure as a criterion of preference. Although he still speaks of the good as pleasure, the qualitative differences in the good are determined by the nature of the *Self* for whom the pleasure *is* a pleasure. A higher self of more "dignity" determines the quality of one experience, a lower self of less dignity the quality of another. But if the standard comes from something outside the experience itself, then the good does not lie in the merely pleasurable experience as such.

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[1] J. S. Mill, *Utilitarianism*. 1863, Chapter II.

Mill's modification of hedonism is merely saying in other and more technical words what Paulsen sought to show by the drug illustration. He is championing healthy common sense against the demands of mere consistency and logic. But whereas Paulsen rightly sees that it means the abandonment of hedonism, Mill is not willing to draw these consequences. A consistent hedonist, one who finds the *locus* of moral value in the pleasureable state of consciousness as such, should seek the standard of value there also. This Mill does not do.

HEDONISM AND THE THEORY OF VALUE

Enlightened common sense seems then to be quite clear on this major point—in the refusal to identify value completely with a pleasurable state of consciousness. This judgment of common sense receives further confirmation when we turn to the more logical and technical analysis of value.

There are, we have seen, three and only three ways of conceiving the relation of pleasure to value. They may be thought of as identical, as in hedonism. Or the pleasurable state may be thought of as a necessary part of value but not the whole of the value. Finally, it may be thought of as the accompaniment or sign of the realization of value. It is the third notion that has emerged as the result of the preceding analysis.

We may with advantage connect the results of this analysis with our definitions of value in the introductory chapter. The first definition characterized it as anything that satisfies a human want or desire. Satisfaction shows itself, however, only in feeling and this feeling, of pleasure or displeasure, is easily taken for the positive or negative value itself. But deeper analysis shows us that the feeling is understandable only as the sign of something more ultimate—in the first instance of biological functioning. We are thus led to the idea that value is anything that enhances or conserves life. This second definition is however not satisfactory. Mere life is not an end in itself but has value merely as the means of realizing other ends which we call good. In any case, however we may ultimately conceive value, it can not be identified with the pleasurable state itself.

The fundamental error of hedonism, writes Professor R. B. Perry,[1] "lies in its failure to distinguish between the concept of goodness and that object, namely pleasure, to which the concept is supposed uniquely to apply." In other words, the concept of goodness or value is more ultimate than pleasure, pleasure being at most only one among other objects to which it is applied. The value of pleasure is never denied by the opponents of hedonism. They merely deny that pleasure is the only value.

To this entire argument the hedonist has a reply that at first sight seems very hard to overcome. We find the criterion of good or value in something else than pleasure—

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[1] R. B. Perry, *General Theory of Value*, p. 607.

something more objective, in the perfection of life, in self-realization, or what not. Immediately the question is asked: if behavior of this type consistently brought pain rather than pleasure, would you call it good? The disputant is forced to answer, no. The triumphant reply then is: Have you not then identified the good with pleasure and the bad with its opposite?

The same kind of argument is often applied in the sphere of esthetics. The beautiful is defined in some objective way, such as the harmonious, or significant form. The question is asked, does this harmony or form bring pleasure or does it not? If it did not bring pleasure would you call it beautiful?

The fallacy in such argumentation, although not immediately obvious, is clear to logical thought. The fact that an object is good or beautiful for some other reason does not prevent it being at the same time congruous with our instincts and tendencies. Whatever is thus congruous of course brings pleasure. There is no experience of the good or the beautiful without feeling, but it does not follow that the essence of the good or beautiful lies in the feeling. The situation is the same as that which appears in connection with knowledge itself. There is no object known except through states of consciousness of the knower, his sensations and ideas. But it does not follow that either the existence or the character of the object is identical with these states of consciousness.

PRACTICAL ASPECTS OF HEDONISM. THE HEDONISTIC PARADOX

In the preceding paragraphs we have pointed out what seem to be the chief theoretical weaknesses in hedonism as a teleological theory of the good, or of the *locus* of moral value. The proof or disproof of an ethical theory is, however, to be found ultimately in its ability or inability to explain or interpret the facts of the moral life—our actual moral judgments and the moral norms expressed in those judgments. Of hedonism, as of formalism, we shall have to ask whether it affords a practical guide in the conduct of life, a satisfactory test of right and wrong. In raising this final question we may with profit consider a further argument of which critics of hedonism have made extended use throughout the history of ethical thinking. It consists in pointing out what is called the *hedonistic paradox* which is held to show conclusively that hedonistic thinking is both practically and theoretically fallacious.

A paradox is defined, in the first instance, as an opinion surprising and repugnant to the ordinary mind. It is felt to be thus both surprising and repugnant because it is thought to contain something contrary to experience or something self-contradictory. Such a paradox is held by much of the practical wisdom of the world to lie inherently in any attempt to make pleasure the end of conduct and to identify pleasure with value. Experience teaches us that the surest way to miss happiness is to seek it, that pleasure-seeking is essentially a self-defeating process.

There can be scarcely any question that this last statement embodies much of practical human wisdom. Bernard Shaw has expressed this wisdom epigrammatically in one of his "Maxims for Revolutionists" in the appendix to *Man and Superman*: "Pleasure and beauty are by-products. Folly is the pursuit of pleasure or beauty for their own sakes." To follow a line of action which is self-defeating would properly be described as folly. But if pursuit of pleasure (or beauty) for their own sakes turns out to be practically a self-defeating process, it must be because we are, so to speak, not meant to pursue them thus.

Practically this wisdom has arisen from experiences of a very definite kind. Pleasure follows normally upon the satisfaction of desires. But the pursuit of pleasure, for its own sake, means the deliberate stimulation of the instinctive and sensuous tendencies that underlie these desires, and such deliberate stimulation results inevitably in satiety and the dulling of our sensitivity for stimuli. These are simply well-recognized psychological facts and the penalty of abnormal and feverish pleasure-seeking in the sphere of what we call bodily pleasures is too generally understood to require consideration. It is precisely because of these facts that more enlightened hedonists, such as Epicurus, counsel the seeking of the higher pleasures which do not entail this result. But here also the deeper wisdom of the race can not be gainsaid. Pursuit, even of beauty or of knowledge—consciously—for the pleasure to be gotten out of them, palls also. The truth seems to be that what we call happiness is a by-product of a rich and full life, and to turn from life itself to its by-product brings with it ultimately disillusionment and distaste.

THE UTILITARIAN INTERPRETATION OF PRACTICAL NORMS

Now if the practical wisdom of the race is to be trusted, it seems likely that hedonism is not a sound guide to conduct, in the sense that pleasure for its own sake is made the end of life. Our ends are our happiness, not merely means to happiness. When we abstract the subject state from the realization of ends of which it is merely the accompaniment, we pay the penalty of any form of abstraction from life.

Many utilitarians would agree that pleasure can not be made the object of direct seeking without more or less defeating the end sought. They might, however, maintain that this is not the way they use the pleasure principle in ethics. They are not concerned so much with setting up an object or *summum bonum* for the individual to pursue, as to discover a practical criterion for distinguishing between good and bad in behavior. This they find in the principle of "the greatest happiness for the greatest number." Most utilitarians would be found to hold a position somewhat as follows. It can be shown that the ordinary norms of morals, the standards of everyday life, on the whole make for human happiness. When exceptions from these rules seem to be necessary, it is possible to justify them by showing that such exceptions will bring a greater amount of happiness than adherence to the rules. In short, a calculation of pleasures, called the hedonic calculus, is possible and the right or wrong of behavior can be determined by such calculus.

It is at this point, without doubt, that both the practical weakness and the theoretical fallacies of hedonism appear in full clearness. It is conceivable that it could be shown that the standards of the everyday moral life make for the greatest pleasure of the greatest number, although that is really a very difficult thing to prove. But as to any calculus by means of which we may determine whether an act, e.g., an exception to such a norm, will bring a surplus of pleasure in the future, that is clearly impossible.

The reason for this situation lies in what we have found to be the essentially subjective character of pleasure. A calculation, such as here contemplated, would involve the adding of things which in their very nature are not susceptible of addition. Bentham, the inaugurator of this entire way of thinking, admitted to himself in a manuscript that remained unpublished until recently, the intrinsic absurdity of this idea. He writes:

" 'Tis in vain to talk of adding quantities which after the addition, will continue distinct as they were before, one man's happiness will never be another man's happiness; a gain to one man is no gain to another; you might as well pretend to add 20 apples to 20 years." But so confirmed is he in his theory that he finds it necessary to continue: "This addibility of the happiness of different subjects, however, when it is considered rigorously, it may appear fictitious, is a postulatum without the allowance of which all political reasoning is at a stand . . ." It remains to be seen whether political reasoning, i.e., the determination of rights and duties and of justice, depends on this postulate or fiction. We shall attempt to show that such thinking can proceed much better on another theory of the nature of the good. It is important here merely to recognize that Bentham himself saw the weakness of the pleasure theory and the fictitious character of the calculations he proposed.[1]

FINAL ESTIMATE OF HEDONISM. ITS INADEQUACY

Common sense and enlightened theory seem, then, to agree that the *locus* of value is not to be found in the pleasurable state of consciousness as such, and that no criterion of relative value can be formed without going beyond the pleasurable state to the nature of the objects which condition the subjective state, and to the character of the functions, the realization or satisfaction of which is accompanied by pleasure.

The difficulty with hedonistic theories is not that they are wholly untrue, but rather that they are inadequate. The enduring tendency of mankind to find the locus of value in feeling is justified in so far that feeling is an element in or aspect of every experience of value. But feeling by itself affords, as we have seen, no adequate criterion of the good; feeling without reference to that which produces the feeling can not be equated with value. The fallacy here seems to be the opposite of that discovered in formalism. There, the mere form of conduct was abstracted from the content, and the form alone we found could give no satisfactory criterion of the good. Here the content of feeling is abstracted from the form or type of conduct, and the mere feeling content can not of itself determine the good.

We have spoken of the enduring tendency to find the

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[1] For this quotation and a discussion of the manuscript referred to, see a paper by Wesley Claire Mitchell entitled "Postulates and Preconceptions of Ricardian Economics," published in *Essays in Philosophy*, by Smith and Wright, 1929.

locus of value in the feeling. The "happiness theory" is the most immediate and natural expression of the teleological view of morals. It is the native form in which any reasoning on means and ends finds expression. In all probability, it will continue to be the idiom in which most men will express their conception of the good. Men will continue to put "the pursuit of happiness" among the human rights. Parents will continue to plan for their children's "happiness" when they mean their highest welfare. When men thus speak, shall we say, "no, you mean not happiness but self-realization?" That would be pedantic, as it would be if, when men said of the sun that it rises and sets, we should persist in correcting the vernacular in terms of the results of our more analytical knowledge. The important thing is to know that the sun does not *really* rise and set. Even more important is it to know that man's highest good is not happiness.

Berkeley put this whole matter in an excellent way when in his *Principles of Human Knowledge*, he enunciated the maxim: "Speak with the vulgar, think with the learned." There is no real harm in speaking of the good in terms of happiness, if we understand fully and clearly that, as John Dewey says, "Our ends *are* our happiness, not," as is so often popularly believed, "merely a means to happiness."

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CHAPTER V

"THE ETHICS OF EVOLUTION"
NATURALISTIC PERFECTIONISM

The logical arguments against the two theories we have been considering are convincing to the majority of ethical thinkers and it is probable that, in the last resort, in ethics, as in other fields of human knowledge and thought, such arguments will be ultimately decisive. But the actual historical causes that have progressively weakened the claims of both formalism and hedonism have been of another order. In a recent book [1] Professor Herbert Wildon Carr speaks of the "changing backgrounds of ethics," and the changes he has in mind refer to the difference in outlook and standpoint brought about by what we call evolution or evolutionism.

There can be little question that hedonism has been greatly weakened by evolutionary ideas. Popular moralists, such as Nietzsche and Bernard Shaw, who have been influenced by evolution, are contemptuous of the pleasure theory and find the good in development rather than in happiness, in a maximum of life rather than a maximum of pleasure. "Scientifically-minded" people are in general likely to think in this way. In the case of the Bollenger baby, we found that Dr. Haiselden himself justified his act on biological grounds, and that most of the physicians who favored letting the baby die argued not in terms of happiness but of perfection of life. In short, reverting to our initial definitions of value, the modern man is likely to find the *locus* of value, not in satisfaction of desire, but in adaptation of life; he finds it truer to say that value is a biological phenomenon merely *appearing* in a psychological form. It is evolutionism that, for the modern man at least, has chiefly "put hedonism in its place."

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[1] *Changing Backgrounds in Religion and Ethics.*

To the theory that holds that the ultimate nature and criterion of the good is to be found in biological development or perfection we may give the name *Naturalistic Perfectionism.* The right to use this term is found in a conception of Darwin himself, and one which is later repeated in all forms of biological ethics. In concluding *The Origin of Species,* Darwin himself wrote: "As natural selection works solely by and for the good of each being, all corporeal and mental endowments will tend towards *perfection.*" (Italics mine.) As it is this perfection that constitutes the good of each being, so only this can form the criterion of good. I have called this conception *naturalistic* because, in contrast to other theories of perfectionism, it thinks of the processes by which the good is achieved as purely natural, as the term natural selection indicates.

The study of the "ethics of evolution" is important for two reasons. First, because it is only against the changing background, brought about by evolutionary thinking, that the present problems of morals can be understood. The second more specific reason is that the present struggle in ethical theory is between this form of perfectionism and another, called *Idealistic Perfectionism.* It is no longer between formalism and teleology, nor between hedonism and perfectionism, but between these two types or interpretations of perfectionism.

ORGANIC EVOLUTION AND ETHICS. THE SIGNIFICANCE OF DARWINISM

Ethics, in common with all the other sciences of life and mind, was profoundly affected by the publication in 1859 of

Darwin's *Origin of Species* and by *The Descent of Man* which followed in 1861. For a time it seemed as though the whole of ethical thinking would have to be recast in the light of the new principles of evolution and in view of the changed conception of man which the new knowledge brought about. It was believed that for the first time we had come into possession of really scientific knowledge of man, and of his place in the universe, and that upon that knowledge a really scientific ethics, or a science of human good, could now be erected.

As a matter of fact this expectation was doomed to meet with a large degree of disappointment. It is not wholly true that, as DeLaguna says, "it has served largely to introduce confusion," but it is true that some confusion was introduced which we are only now beginning to straighten out. It is also true that the naturalistic theory of perfectionism, based upon it, has turned out to be wholly inadequate, if not actually false.

There were two points at which Darwinian evolutionism was expected to revolutionize ethics. In the first place, it was believed that evolution would be able to *explain* the origin, development and meaning of our moral customs, sentiments, and judgments. In the second place, it was believed that ethics, as a theory of value, could for the first time be put upon a purely scientific and naturalistic basis. In other words, man's place in organic nature being determined, it would then be possible to formulate the nature of human good in organic terms, and thus to find standards for judging human behavior which are, so to speak, embedded in the nature of things. It is with the second point, of course, that we are primarily concerned. But the question of the "value" of behavior has been so bound up with the question of its origin and development that this latter question must be considered first.

NATURAL SELECTION AND MORALS

The question at issue, in so far as this first problem is concerned, is, of course, not whether morals have developed or evolved, but rather what have been the factors in this development. No one doubts the evolution of morals, in other words that morals have had a history. Everything that exists changes in some sense and to some degree. Everything living, at least, seems to develop from simplicity to complexity. Morality is no exception to this rule or law, if you choose so to call it. So far as we can see, morality began with simple customs (*mores*), developed into codified law, and finally reached the level of reflective morality. The contention of the "ethics of evolution" is, then, not merely that morality has had an origin and a history, but that the principle of natural selection is sufficient to account for this development.

To understand the force of this contention, it is necessary to recall the place of natural selection in the Darwinian theory of evolution in general. Darwin's first work, *The Origin of Species by Natural Selection*, contended, not only that the various species of living creatures had originated in simple unicellular creatures, but that they had originated by a process of natural selection, which we shall define presently. Into this general evolutionary scheme he drew the human species in his second book, *The Descent of Man.* It was, however, in a third work, *The Expression of Emotions in Animals and Men*, that evolution was applied also to the *mind* of man. Once Darwin had been able to show the similarity between the emotional expressions of men and the lower animals, and to interpret them as survivals of formerly serviceable habits, the road was open to the extension of evolutionary conceptions to the entire mental life, including those ideas and sentiments which we call moral.

The place of natural selection in the Darwinian theory may be seen by reference to the famous formula of Darwin, wherein he tells us that species have originated "by natural selection, acting upon chance variations, leading to the survival of the fit." The meaning of this formula is pretty generally understood, but there are several aspects of it which must be recalled and made definite if we are to see how it has been applied to morals.

Natural selection, as is well known, stood in Darwin's mind for the opposite of artificial or purposeful selection. He was familiar with the breeding of animals and understood how a new species, as for instance a fan-tail pigeon, could be created by the fancier by the breeding of individuals who happened to have a few more feathers in their tails, or a new type of horse by taking advantage of variations. The breeder of dogs or pigeons or roses can thus create a new species by selecting out individuals with certain variations and breeding from them. This Darwin believed "Nature" did on a tremendous scale. Only in the case of nature the process was wholly a mechanical one of weeding out the unfavorable variations—a process without consciousness and without purpose. Whence now the variations? According to Darwin they are the product of chance. Since Darwin's time, this explanation seems less likely, and various theories of their origin have been proposed. But however the variations originate, there is a natural selection acting upon these variations, which weeds out the unfit, and tends to leave only those which are favorable to survival, that is which adapt the organism or species to its environment. This selection was conceived as taking place through the struggle for existence, brought about by the fact that living beings increase much faster than the food supply, this struggle serving automatically to weed out the less fit. Those forms of life—whether plants or animals—which have the favorable variations, tend then to survive in the struggle for existence. They are adapted to their environment, and it is this adaptation that constitutes what is called "survival value." This formula was originally developed to explain the evolution of organic species—was in short primarily biological. But Darwin himself extended it, as we have seen, to psychology, and by implication at least, to morals.

IS NATURAL SELECTION SUFFICIENT?

Most thoughtful men now agree that the hope of explaining the origin and development of moral customs and sentiments by natural selection was extravagant. Even in the limited field of biology itself, natural selection is now believed to have played a much less important rôle than that assigned by Darwin. Other factors than "chance variation" and natural selection are now seen to be necessary to explain the origin and fixation even of new animal species. The inheritance of acquired characters likewise, which constitutes the necessary premise of this theory, while not absolutely disproved, is yet very much in doubt. Into these biological aspects of the question we need not enter. The question for evolutionary ethics is of a somewhat different and much more fundamental character. It is rather this: can any such purely mechanical and unconscious forces as those described by the term natural selection be conceived of as sufficient to explain the origin and development of moral customs and sentiments? Present opinion is overwhelmingly in the negative.

If we confine our attention to what we may call the lower levels of morality, to the objective *mores*, we get an overwhelming impression of primitive morality as just such a product of natural selection. A sketch of the morality of the Eskimos, as presented by the Danish explorer Amundsen, gives us a picture of customs the meaning of which seems to lie wholly in their survival value, and the origin of which, we can scarcely doubt, must be found in that fierce struggle for existence which constitutes their life. Thus the capital crime is stealing from the common hoard of blubber, on which the life of the community depends. Similarly, a study of the primitive forms of property and marriage, such as we find in Westermarck, suggests that they are precisely such forms as we should expect if some such principle as that of natural selection were at work.

Additional plausibility is contributed to this theory by the close resemblance of such behavior of human beings on the lower levels with the behavior of the higher animals, a resemblance so close that it has led many to speak of the "morality" of these higher animals and to see no break in the evolutionary process. Thus, the behavior of a herd of buffaloes in the face of the enemy. We are told that the bulls take their places in a formation designed to protect the cows and the calves, an instinctive form of behavior which it is hard to believe has come into being in any other way than through a process of selection "designed," as it were to bring about the survival of the species. Moreover, a study of the higher apes, such as that of Köhler, seems to reveal as present in them, not only forms of intelligence similar to those of man, but also animal *mores* in many ways akin to those of primitive man.

Enough has been said to indicate both the type and the force of the evidence that can be adduced in favor of the theory that natural selection, with its principle of survival value, has been, if not the only factor, at least an important factor in the origin and development of primitive morality. There seems no good reason to doubt that there is a close correlation between moral value and survival value—that right conduct is that form of behavior that leads to the survival of the species in the struggle for existence and wrong conduct that which leads to extinction. It is, however, when we come to the higher or more developed levels of morality that we find the correlation vague and very difficult to determine. Many forms of conduct can not be explained in terms of fitness for environment, in terms of their utility in furthering merely organic life. If natural morality is of this nature, then, in the terms of Nietzsche's famous phrase, morality has become *denaturalized*. What Nietzsche meant by this phrase is precisely the fact here emphasized, namely that the morality developed in the historical life of man is no longer the natural morality we should expect on this hypothesis. In Nietzsche's mind, to be sure, most of the later morality of man was an aberration, but he at least recognized the fact that it could not be explained in terms of natural selection.

We have spoken of the overwhelming impression which we get of primitive morality as a product of natural selection. If we study the higher levels of morality we get an equally overwhelming impression of the inadequacy, not to say the absurdity, of such an explanation. Huxley, himself a famous protagonist and popularizer of Darwinism in biology, was so impressed with this fact that it led him to extreme statements in the other direction. In his famous Romanes Lecture on *Evolution and Ethics*, he violently condemns the entire explanation of ethics in terms of natural selection and biological utility. He states categorically that "what is ethically best involves conduct that is *in all respects*" (italics mine) "opposed to that which leads to success in the cosmic struggle for existence." He points out that what we call immoral sentiments have no less evolved than the moral and that there is as much natural sanction for the former as for the latter.

A more moderate position on this question than that of Huxley seems the only reasonable one. We can scarcely believe that what is ethically best is in *all respects* opposed to the processes of natural selection. Even in the case of what we consider the noblest virtues, those that have become most denaturalized, selection may be plausibly credited with the earlier stages of their development. "It is difficult to think that the mother who sacrifices herself for her child, the clansman who dies for his chief, are indulging in conduct in all respects opposed to that which leads to success in the struggle for existence." But it is clear that in the later stages of moral development quite other factors are at work besides that of natural selection, forces to which we shall give the general term of conscious or rational selection.

It seems clear then, when all these aspects of the case have been considered, that the early hopes of the evolutionists of explaining morality in terms of the principles of organic evolution were both extravagant and ill-conceived. In truth, this entire way of thinking was vitiated by a fallacy to which the human mind seems particularly liable. James Ward has well described this fallacy in his *Naturalism and Agnosticism,* in which he is criticizing this theory as developed by Herbert Spencer. "Mr. Spencer," he tells us, "in his exposition of the doctrine of evolution is guilty of the amazing fallacy of supposing that, because the laws of energy (including natural selection) are everywhere present, they are everywhere sufficient to explain what we see. Which is much the same as assuming that because a painter's palette, like his finished canvas, shows us a mixture of colors laid on with a brush, therefore what sufficed to produce the one would actually suffice to produce the other."

RATIONAL SELECTION. SOCIETAL EVOLUTION

The position here expounded may be said to be in harmony with prevailing conceptions in present-day social science. More and more, it is becoming recognized that in what is called social evolution we have to do with something quite different from the process of organic evolution and that the "factors" in social evolution are of a different nature. In short, over against organic evolution is set social or "societal" evolution, and in contrast to *natural* selection, men speak of *rational* or conscious selection. In general, they are inclined to think of the level of sociality as having unique characters which distinguish it from the organic level. Social phenomena presuppose organic and biological phenomena, but they can neither be reduced to them nor wholly explained by them. The full meaning of this position will appear in the next chapter in connection with the statement there of Emergent Evolution.

In the first place, a clear distinction is now everywhere made between biological and social heredity. Whatever may be said of the latter, it is now generally accepted that there is no transmission of moral sentiments or ideas from one generation to another by physical heredity. All transmission of the *mores* is through tradition. More important still is the recognition of the fact that selection, in the social sphere, involves, to some degree at least, consciousness of the meaning of the behavior. Modern sociologists do not deny that natural selection has had a fundamental rôle in determining the primitive forms of behavior on the lower levels of custom. Neither do they deny that natural selection, in the narrower biological sense, is wholly inoperative in social process now. What they do maintain is that more and more conscious or rational selection has supervened upon natural selection.[1]

RATIONAL SELECTION. ITS MEANING AND IMPLICATIONS

The use of the word "rational" seems to imply that the selection we have here in mind is a kind of selection based upon knowledge, or science in the narrower sense. Selection of this sort does indeed appear on the later levels of social development. A good illustration would be modern eugenics, in its negative form. Knowledge, through biology, of the consequences of the mating of people of certain physical or mental defects, might lead to various ways of preventing such mating. With this grows up a new moral sense, a consciousness of new rights and duties which ultimately might be embodied in law. Such would indeed be a form of rational or conscious selection which would go counter to and modify the cosmic process as such, but the terms conscious and rational have a much broader meaning and include processes much more fundamental and elemental.

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[1] For a good statement of this position the student may consult Keller, *Societal Evolution.* The author still exaggerates the rôle of natural selection, but he makes the distinction entirely clear.

Rational selection may be said to take place wherever forms of behavior are chosen and retained through the understanding, however vague and imperfect, of the meaning of the acts. Just as mind or consciousness itself emerges on certain levels of development, so consciousness of meaning or purposiveness emerges as a quality of enhanced consciousness. When once higher levels of life emerge, so does *the knowledge that they are higher levels*, and ultimately that they are stages of a process that involves the emergence of levels that are higher yet. This consciousness of values is the characteristic of higher levels of mind and it is the emergence of this consciousness which we have in mind when we speak of conscious or rational selection as contrasted with natural.

As applied to our problem of the origin and development of morals, it seems clear that, even though we may credit natural selection with having a good deal to do with the origin of the simpler forms of behavior, we must deny to it, or to any other similar principle, any capacity to explain the development of the higher levels. This general position has been well expressed by Balfour in his discussion of this same question: "In their primitive forms the products of selection, they" (the ethical values) "have, by a kind of internal momentum, overpassed their primitive purpose. Made by nature for a natural object, they have developed along lines which are certainly independent of selection, perhaps in opposition to it. And though not as remote from their first manifestation as is the esthetics of men from the esthetics of monkeys, no evolutionary explanation will bridge the interval. If we treat the Sermon on the Mount as a naturalistic product, it is as much an evolutionary accident as Hamlet or the Ninth Symphony."[1]

THE PARADOX OF EVOLUTION

Whence, then, this conscious or rational selection—whence this "internal momentum"? What are the implications of evolution as thus conceived? This is a problem which the metaphysics of ethics can scarcely avoid. Many thoughtful men are aware of this problem and have pointed out a certain paradox in evolution as it is ordinarily conceived.

If it is interpreted merely in terms of survival through adaptation to environment, we are forced to face certain very paradoxical consequences, at least regarding the evolution of man. Such adaptation, or at least a greater measure of it than exists among men, was achieved long ago among beings whom we are accustomed to regard as inferior to men. Man, considered from the physical point of view, is ridiculously unfitted for his environment, and may even be said to be more destructive of himself and of his environment than are the lower animals. Why then, if the motive force and driving power behind evolution is the need to secure adaptation to the environment, did evolution not stop at the lower forms so completely adapted? Why did it go on at all to produce man?

This question becomes infinitely more puzzling and impressive when we take into consideration the intelligence and moral side of man. The same nature that made the sense organs of living creatures merely selective organs that transmit only biologically important stimuli and which, like the organs of movement, serve necessary life functions, this same nature has made possible the acquiring of knowledge in a wholly different sense of the word. The same nature which made instincts and *mores* merely to serve life functions has again made possible the acquiring of a moral sense, often independent of this purpose and often in opposition to it.

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[1] Arthur James Balfour, *Theism and Humanism*, p. 124.

We seem to be faced here with a curious dilemma. Either this turning of life and nature to ideal ends, at least in man, is an accident, a superfluous luxury, or else it contains in some way the key to a truer knowledge and understanding of the entire evolutionary process. It is impossible to resist the conclusion that evolution is the expression of some force which is not content with achieving merely survival and adaptation for its creatures, but seems rather bent on complicating itself ever more dangerously in the endeavor to evolve higher forms of life which have their own intrinsic ends.

MORAL VALUE AND SURVIVAL VALUE

There are two points, we said, at which Darwinian evolutionism was expected to revolutionize ethics. Evolution by natural selection would be able, it was thought, to explain the origin, development and meaning of our moral conduct and sentiment. It was also thought that ethics as a theory of value could henceforth be put upon a wholly scientific and naturalistic basis, that man's place in organic nature being determined, it would be possible to formulate the nature of human good wholly in terms of organic welfare.

These two problems are often confused, but it is of the utmost importance that they should be kept separate in our thought. It might be, for instance, that evolution by natural selection would satisfactorily account for the origin and development of our moral customs and sentiments; but it would not necessarily follow that the causes of these customs and sentiments are identical with the reasons for their present value. Against the fallacy involved in this confusion the student has been repeatedly warned. Can then the reasons for the good or bad of conduct be stated in biological terms? It is when we come to this second question of values and standards, that the inadequacy of purely biological and naturalistic conceptions first becomes fully evident.

Survival value or *viability* is, as we have seen, the explaining principle of evolutionary ethics. The Darwinian formula, "natural selection, through struggle for existence, leading to the survival of the fit", is applied directly to the phenomena we call moral. That becomes good which leads to survival, that bad which militates against it. Fitness in the biological sense is the result of this struggle. What more natural than that this same fitness should be looked upon as the goal of the struggle, and that value should be identified with this fitness? This is of course what has been done. Precisely as the hedonist identifies value with a pleasurable state of consciousness, so the ethics of evolution identifies value with objective fitness and the survival that results.

This theory of value has been stated in different ways by different writers, but the root idea in every case is this notion of fitness and of organic welfare. The notion of fitness is first of all defined in terms of adjustment. The ethical end, or ultimate value, is then just this complete or *perfect* adjustment to environment. This is, indeed, Herbert Spencer's formulation, whose *Data of Ethics* may be considered the first attempt to place ethical theory on a biological and evolutionary basis. Leslie Stephen in his *Science of Ethics* emphasizes the conception of organic welfare somewhat more. For him the end of moral conduct, and the standard in terms of which it is to be judged is, "the health of social tissue." The highest good is the maximum of social health and efficiency. The best statement of the conception is, however, that of S. Alexander in *The Idea of Value: Moral Order and Progress*. The standard of value is, in his view, the "social equilibrium". He writes "value is nothing but the efficiency of a conscious agent to promote the efficiency of society, to maintain the equilibrium of forces which that society represents."

It is clear that the same general idea underlies all these forms of expression. Value is, in the last analysis, identified with organic welfare or viability. It is clear also that we have here to do with a form of perfectionism in ethics, in that it is the perfection of function (whether perfection of adjustment, of social health or efficiency), rather than a pleasurable state of consciousness, that constitutes the standard of value. In other words, value is essentially a *biological* phenomenon although it appears in psychological form. Being a biological phenomenon—and that is the essential point—our conception of good or value, even in ethics, must be defined and formulated in biological terms.

CRITICISM OF NATURALISTIC PERFECTIONISM. THE "FALLACIES" OF THE "ETHICS OF EVOLUTION"

There seems to be scarcely any question that in the theory of value thus outlined we have a basis for ethics more adequate than that proposed by hedonism. The ethics of evolution sees perfectly clearly that we do not understand the real *locus* of value until we see that the satisfaction of wants has significance only with reference to the conservation or furtherance of that life which, by satisfaction or dissatisfaction, is enhanced or thwarted. Those who claim that this biological theory of value gives a much more objective and "scientific" basis for morals than does hedonism, are in so far right in that they seek to base their theory upon a conception of the nature of man and of his place in nature. Thus far the theory goes in the right direction. The question at issue is merely whether its notions of "life," of the nature of man, and of his place in the cosmos, are adequate. The inadequacy of this biological ethics has become increasingly clear and has often been stated in terms of what are called the fallacies of the ethics of evolution. They were first stated by T. H. Huxley in the lecture referred to, but have been restated, time and again, by others in varying forms.

It is, first of all, quite generally recognized that the entire structure of this ethics is built upon a serious confusion of thought—on a *fallacy of ambiguity*. The notion of the "fit" or fittest is central in Darwinism. Fittest has, however, a connotation of best and "about best there hangs a moral flavor." In cosmic nature, however, what is fittest depends upon the conditions, and is wholly relative to them. If our hemisphere were to cool again, the survival of the fittest might bring about, in the vegetable kingdom, a population of more and more stunted and humbler organisms, until the fittest that survived might be nothing but lichens, etc. There is clearly no valid connection between fittest in the biological sense and best in the moral sense. Lowlier forms of life are often, as we have seen in a preceding paragraph, better fitted in the biological sense than is man (the parasite that preys on man is better fitted in this sense than man). Now it is possible to maintain that the moral distinctions that have grown up later are, in fact, an accident, a superfluous luxury, or even something "contrary to nature." But it is sufficiently clear that they can not be identified with biological notions without the most serious confusion of thought.

A recognition of this fallacy of ambiguity leads us to see another fallacy involved in all attempts to define moral value in terms of adaptation to environment. We may call it the *fallacy of static environment*. In all such reasoning it is falsely assumed that environment for man and for the lower forms of life is essentially the same thing. The environment for an alpine plant, or a deep sea form of life, is essentially unchangeable. Because in a purely physical sense environment for man remains thus static, it is easy to assume that environment in the human, social sense remains so also. In reality the situation is exactly the reverse. The Atlantic ocean has, as we say, become a mill pond. A much truer description would be to say that man by rational selection, adapts his environment to himself—to his own ends and purposes.

But these two fallacies are in reality but minor phases of a still more fundamental fallacy which, as Huxley says, appears to pervade the so-called "ethics of evolution." It is as he continues, "the notion that, because, on the whole, animals and plants advanced in perfection of organization by means of the struggle for existence, and the consequent survival of the fittest, therefore men in society, men as ethical beings, must look to the same processes to help them to perfection." In other words, by *a false analogy*, we argue from plants and animals to men, when differences so profound between the lower and the higher levels of life, make such argument illusory. We assume not only that perfection is the same thing for animals and men, but that the factors leading to that perfection are the same. Both assumptions are false.

This is undoubtedly the most vicious fallacy of all, from the point of view of both theory and practice. We shall have something to say of Darwinism in practice; here we are concerned wholly with the theoretical side of the subject. The fallacy is present even in the attempt to explain the development of morals. It assumes, falsely, that the factors sufficient to explain the lower levels of animal life can be carried up to higher levels where entirely new factors have emerged—in this case the factors which we have described as rational selection. But the fallacy is even more serious when the assumption is made that good and perfection for man are the same as for animals and that, therefore, the processes that lead to perfection and the criterion of perfection are in principle the same in both. That which distinguishes the human and social level, as we shall develop more fully in the next chapter, is the *emergence of selves*. Selfhood is a new character or quality that cannot be reduced to terms of lower levels. This new factor invalidates any argument in morals which proceeds from the animal or biological level to the human and social.

On this whole question of the application of biological conceptions to ethics, Professor E. G. Conklin, the noted biologist, has written very wisely as follows: "these great problems of the hour (ethical and social) should be viewed not only in the light of human history but also in the long perspective of the history of human beings on the earth. Undoubtedly the fundamental concepts of biology apply to man no less than to the other organisms, but it must be admitted that the application of biological principles to specific problems of social organization is often of doubtful value. Thus we find that biological sanction is claimed for wholly antagonistic opinions, as for example, for and against war, woman's suffrage, polygamy, etc. Those who are searching for biological analogies to support almost any preconceived theory in philosophy, are likely to find them." In other words, for the basis of our moral values and norms we must look to a quite different realm of ideas.

Any attempt to base our criteria of moral value on biological conceptions is thus essentially fallacious. Cosmic evolution may indeed teach us how the good and evil tendencies of man have come about—although even here its explanations are insufficient—"but in itself it is incompetent to furnish any better reason why what we call the good is preferable to what we call evil than we had before." For an understanding of our distinctions between good and bad, when applied to human behavior, we must pass from the purely organic to the hyper-organic level of thought, from mere organisms to selves, and their relations to each other in society. This truth our more critical modern thought has fully learned.

DARWINISM IN ACTION

Theory and practice are very closely related. If an idea is true in theory it is very likely to work in practice, and if it works practically there must be some element of truth in it as theory. Fallacies of thought, such as we have discovered, both in the explanation of our moral ideas and sentiments in terms of natural selection, and in the formulation of the moral ideal and standard in terms of adaptation and survival, are likely to affect our practical moral judgments. Mr. Bernard Shaw, in his preface to *Back to Methuselah*, has painted a dark picture of what he considers to be the vicious effect of Darwinism on moral practice and theory. Though doubtless exaggerated, his attack nevertheless contains an element of truth that can not be denied. He believes that this jungle philosophy, joined to our already existing economic individualism and political nationalism, brought us to a moral abyss of which the World War was a symbol.

We need not go to the full length of this attack on Darwinism in morals, to realize how disastrously ideas taken from the biological realm—such as "struggle for existence" and "survival of the fittest," have colored our practical thought and action. In later chapters we shall note specific points at which these ideas have denatured our moral notions. Here it is necessary merely to indicate the general nature of this influence.

"Naturalism" in morals consists essentially of thinking of ourselves as animals—as "high-grade simians," as it were. If, however, we think of ourselves as simians—whether of high or low grade—we shall tend to evaluate our conduct from that point of view. The "unnatural" character of developed morals, as it appears in theory, translates itself into the practical belief that the "conventions" of society are non-natural, and the old cry, "back to nature," is in full swing again. This ethics of the jungle, as it has been called, is perhaps not often preached in its most literal form, but the same general ideas are everywhere present in popular morals of the more radical type. Behaviorism, as a philosophy of life, is a theory of this kind. Based as it is, on a psychology which reduces the mental to the biological, whenever it introduces ethical concepts it inevitably translates them into biological terms. A large part of the "novelties" in sex ethics recently proposed are based on these premises, and it is not surprising that, when more closely examined, they turn out to be a reversion to lower forms of life which we had fondly supposed civilization had gone beyond.

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CHAPTER VI

THE ETHICS OF SELF-REALIZATION IDEALISTIC PERFECTIONISM

The limitations of a merely biological philosophy of ethics are now clearly evident. No adequate concept or criterion of human value can be based on organic categories alone. To recognize these limitations does not, however, mean to deny its significance and importance so far as it goes. It has, for instance, been made the basis of searching criticisms of erroneous conceptions of the economic life of man. As over against the ideal that the goal of the economic life is unlimited production of wealth, one may well set the ideal of organic welfare—of welfare even in this limited sense. One may say, in terms of a philosophy enunciated centuries ago, that "the *life* is more than meat and the *body* than raiment." One may, from this point of view, deny the value of any civilization in which "wealth accumulates and men decay." Such a criticism, as for instance that of J. A. Hobson,[1] proceeds upon the conception that a "human standard" of economic value is "to value every act of production and consumption with regard to the aggregate effect on life."

As over against the utilitarianism of the nineteenth century, biological conceptions of value were in this respect a distinct advance. But our thinking can not stop here. Even in Hobson's thought the criterion of value is found, not merely in the aggregate effect on life, but also on the "character of agents." With the addition of this phrase, we have passed from the merely organic to the hyper-organic level, from the naturalistic perfectionism which we have been examining to the idealistic perfectionism with which it must be supplemented.

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[1] J. A. Hobson, *Work and Wealth—A Human Valuation.*

DEFINITION OF IDEALISTIC PERFECTIONISM

The simplest statement of idealistic perfectionism is perhaps the following. Good or value for man lies in the perfection of his functions, but these functions are more than organic. They are rational, spiritual, ideal. In the words of Aristotle, one of the oldest representatives of this view, man is an animal, but he is a rational animal, and his good lies in the perfection of his rational or ideal nature.

The first and most important aspect of this form of perfectionism is the insistence that man is more than organic, and that the life he lives has a meaning and value that can not be described in organic terms. In other words idealistic perfectionism recognizes *hyper-organic values.*

The term hyper-organic, or super-organic, is one that has attained a wide vogue in present-day sociological and ethical studies. Students of social phenomena, for instance, speak of these phenomena as constituting a level of fact which, while depending upon organic conditions, is still other than organic, having new qualities and new laws. The recognition of this fact has come about partly through an increasing realization that the *societal* evolution, of which we have spoken, is in many respects radically different from organic evolution and governed by significantly different laws. It is also partly the result of new conceptions of evolution itself, of evolution as *emergent,* by which is meant that in the process of evolution new levels emerge which are not reducible to the lower levels, social and ethical phenomena constituting a level which, while presupposing the organic, cannot be reduced to it.

The second aspect of this form of perfectionism is its emphasis on personality. The outstanding character of the hyper-organic level is the emergence of selves or personalities. It is the development or realization of *selves* that constitutes the "good" of this level, and for this reason the theory of ethics which makes this the *locus* of value is called the ethics of self-realization. By this is meant that the locus of the good or value is not found in pleasure, nor in organic survival or welfare, but in the complete energizing of our capacities as selves or persons, it being assumed that selfhood or personality constitutes a distinct kind of reality and has values not definable in terms of anything else. Even Kant, the formalist, recognized the truth in this idea when he laid down as a fundamental maxim of morals, that we should never treat a human being as a means to an end but always as an end in himself. Hegel, perhaps the chief modern representative of idealistic perfectionism, summed up all morality in the phrase, "Be a person and respect others as persons."

The third aspect of this theory is that it is *idealistic* rather than naturalistic. The terms idealism and idealistic have made a great deal of trouble in philosophy, but they need cause no difficulty here. The terms, as applied in this case, mean that the self which I ought to realize, and in the realization of which my good consists, is not the self in a merely bodily or organic sense, not a mere bundle of instincts or impulses, but that *integrated* self which we call character. As the self is more than organic, so it is more than natural in the ordinary sense of the word. The natural self, of impulse and instinct, constitutes the raw material of the ethical life, out of which the *ideal* self is made.

HISTORICAL REPRESENTATIVES OF IDEALISTIC PERFECTIONISM

Perfectionism in some form is the natural ethical philos ophy of the great moral teachers and prophets, and its idealistic form the natural expression of more elevated conceptions of life. But it is by no means confined to the teachers and prophets. It constitutes a well-defined moral theory which seems to many, when properly interpreted, to be the only workable moral philosophy.

This *ethical* theory found its first expression in the works of the great Greek idealists, Plato and Aristotle, and resulted, in the first instance, from a criticism and clarification of hedonism. When ethical reflection first arose among the Greeks, it found expression in the natural or common sense notion that happiness constitutes the good of man. In meeting the ethical scepticism of the Sophists, Socrates maintained that knowledge of the good is possible, that such moral insight is the most excellent thing in the world, and that this insight is inevitably followed by happiness.

Socrates did not find it necessary to make any clear distinction between excellence and happiness, but Plato and Aristotle did. Their way of thinking is described as *Eudœmonism,* to distinguish it from hedonism. Eudæmonism is the theory that active well-being is the highest good of life and that that good is always accompanied by pleasure. In a number of his dialogues especially the *Phœdo,* Plato makes the distinction clear, and later Aristotle, in the *Nicomachœan Ethics,* formulated it clearly. In a famous passage of that work he starts out with the statement that "to say that happiness is the chief good seems a platitude, but the statement means little until we determine wherein that happiness consists." He finds it to consist in perfection of function.

This Greek notion was taken over into Christian ethics, Christian thought in general being greatly influenced by Greek philosophy. But something else entered into the Christian formulation, namely an emphasis on the self or person.

The unique value of every human soul, as a son of God, the injunction "be ye perfect as your Father in Heaven is perfect," enunciated by the founder of Christianity and elaborated by St. Paul, finally entered into the very warp and woof of Christian thought. St. Augustine and St. Anselm, both Platonists, carried on the Greek tradition, but the complete formulation of Christian moral philosophy must be ascribed to St. Thomas Aquinas. For him, as for Aristotle, everything in nature, every created thing, has its own good and its own perfection and strives towards that perfection. The good of man consists in the perfection of his rational or spiritual nature, and ultimately in the beatific vision of God from whom his being and reason are derived.

In modern times this ideal of the ethical end has continued with unabated influence. In the main it has been associated with the Rationalism of the continental philosophy, but seems to be independent of any specific metaphysics. Thinkers as widely different as Leibnitz and Spinoza have held this view of the moral life in principle. Despite his formalism, Kant's moral philosophy, taken as a whole, contains an element of perfectionism, and Hegel has expressed it most completely for modern times.

In recent English and American thought it received its first formulation by the Neo-Hegelians, idealistic philosophers such as T. H. Green, F. H. Bradley, Bernard Bosanquet and others. These men, steeped in classic Greek thought and Christian philosophy, never felt at home in the hedonism and utilitarianism of the English empirical school. It would be a mistake, however, to identify the ethical philosophy here described with metaphysical idealism. Ethical idealism of this sort is found associated with both realism and pragmatism; John Dewey, the distinguished pragmatist being, for instance, a representative of this school of ethical thought.

THE ARGUMENT FOR PERFECTIONISM

This brief historical sketch suffices to show both the continuity of this way of thinking, and also to make still more clear the point at which it differs from the naturalistic form of perfectionism, associated with Darwinian evolution. That which is common to them all, from Plato and Aristotle to Hegel, is first, that the good lies in development or realization, and ultimately in perfection; and secondly that the good life for man, to be thus realized, includes the perfection of other functions than those of the merely biological life.

The essentials of this theory were presented by Aristotle in an argument as clear and as valid as in any of the later forms. It is desirable that this argument should be known and appreciated by every student of ethics. But it is also desirable that it should be formulated in a more modern way, in a way namely that will make it fit more naturally into the context of present-day evolutionary thought. We shall accordingly state the Aristotelean argument briefly and then restate it in a more modern form.

Aristotle starts out with the assumption that to say that happiness is the chief good is a platitude, but holds that a clearer account is desirable. This is possible only if we can first ascertain the *function* of man. He points out that in all things that have a function, or activity, the good or the "well" is thought to reside in that function. A flute player, a sculptor or any artist, has a function and a good artist is he who performs his function well. He then asks: Have these, or the carpenter and the tanner, certain functions or activities, and has man, as man, none? He thinks not and then seeks to find what this function may be.

He starts out with man as a mere living organism—with the "notion of Life." Life, however, seems to be common to plants as well, but we are seeking what is peculiar to man.

Let us exclude, therefore, the life of nutrition and growth. Next there would be life of perception, but this also seems to be common even to the horse, the ox, and every other animal. There remains then, an active life of the element that has a rational principle. It is in this rational principle that we find the unique function of man. Now the function of a lyre-player is to play the lyre and the function of a good lyre-player is to do so well. If this is the case, human good turns out to be the highest activity of the rational principle, "to be the activity of the soul in accordance with virtue, and if there are more than one virtue, in accordance with the most complete." The complete energizing of our rational or spiritual functions constitutes the good of man, and the excellence thus achieved is virtue.

This line of thought is so simple and so inevitable that it appears wherever and whenever men think about the good at all. It is, nevertheless, also so fundamental that it is still the form in which men reason whenever they try to think out what is implied in the notion of the good or value. Let us now try to restate it in terms of present-day thought.

The good or value of anything is to be found, in the first instance, in its *use* or function. A good knife is one that cuts well, a good machine of any kind is one that performs its function efficiently. A good race horse or a good dray horse are horses whose structure is determined by their purpose or function. So also with a good carpenter or good physician. In each case the answer lies in the degree of the efficiency as an instrument or means to some end.

But we may also ask what is the good of some organ of the body, such as the liver or spleen. What is the good of certain instinctive capacities in animals, etc.? The answer is value-for-life, their function in the conserving or furthering of the life processes. But finally, we may also ask what is the good of life? We can answer this question only by implying something else for which life is there. It is true we may answer that this is a meaningless question. That life is a good in itself, and that when we reach the notion of life in our thinking, we have, so to speak, reached the terminal point. There are those, indeed, who hold this position, but to most men it has seemed clear that life is not an end in itself, but is the condition of other goods to be realized—either happiness or perfection of selves.

If then we examine these illustrations we find that we get three relatively different conceptions of the "good," and that back of those conceptions lie the three fundamental conceptions of mechanism, organism and humanism, or personality.

The good of a mechanism is its *efficiency,* and the notion of good as efficiency applies only to mechanisms. Thus even when we find the notion applied to human beings, or to human activities of any kind, we always think of the individual or society in a mechanical way. The good of an organism is its capacity for life, as the biologists say, its *viability*. Corresponding to this we have the notions of survival, organic welfare, fullness of life, etc. These notions, strictly speaking, apply only to organisms and organic life. When we find them applied in the human or social context, it always means that the individual or society is envisaged in a merely organic way. Finally, there is the conception of human good as something more than organic welfare. Man is an animal, but he is a "rational" and a social animal. Man is an organism, but he is also a personality, something hyper-organic which, for lack of a better term, we may for the moment call spirit. Man has therefore values which, in contrast to the merely organic, we may call spiritual.

All this may be presented in a graphic way by the following scheme:

Levels of Being

Levels	Distinguishing characters	Corresponding Value concepts
Hyper-organic	Personality and Sociality	Self-Realization
Organic	Organism	Viability
Inorganic	Mechanism	Efficiency

In this scheme the organic is higher than the inorganic and the hyper-organic higher than the organic. If we look at it from the evolutionary point of view each higher level develops or "emerges" from the lower. Each level has its own concept, or category, of value, and as each higher level presupposes the preceding levels, but can not be reduced to them, so also each concept of value includes or presupposes the lower, but its meaning can not be expressed in terms of the lower.

These fundamental distinctions and categories are firmly fixed in popular thought and evaluation. There seems to be embedded in common sense an immitigable scale of values, according to which the living is in some way higher than the non-living, and mind or spirit higher than the merely bodily life. When these distinctions are blurred and confused, we have what is called "naturalism" in art and literature, and naturalism or materialism in philosophy. Thus, in a certain trial in London when libel charges brought by Oscar Wilde were being tried, Lord Alfred Douglas was one of the witnesses. In his testimony, he said of Oscar Wilde that he "perverted values," that for him "the physical was the spiritual and the spiritual was the physical, the higher the lower and the lower the higher." Such perversions of values are everywhere recognized, not only by the common sense of men but also by economic and political philosophers. It is constantly charged against our present economic order that it exalts the means of life above the ends, that it puts wealth and property above personality.

IDEALISTIC PERFECTIONISM AND SELF-REALIZATION

It follows from the foregoing that idealistic perfectionism naturally takes as its conception of the ethical end or good, that of self-realization. Recognizing, as it does, that the notions of self or personality stand for unique and super-organic forms of life that can not be reduced to organic terms, it necessarily finds the good or value for man in the development of that personality, in the complete energizing or realizing of all man's capacities as a person.

This does not mean, of course, that self-realization is possible *in abstracto*—that is without including the satisfaction, fulfillment, realization of the organic tendencies, of the natural instincts of man. Self-realization involves the realization of these also. Nor does it mean that such self-realization is possible without satisfaction or realization of the social tendencies or instincts of man. The self is, as we shall see, essentially a social self. Self-realization involves the satisfaction of *all* these and more. For this reason the ethical good of man is said to consist in *total* self-realization.

To understand what is meant by self-realization in this theory it is necessary to begin first with the more simple idea of realization. Realization is a general term for achievement, through human powers, along various lines of effort and attainment. It includes the idea of an object or an end and the bringing of the same to actuality or reality through accomplishment.

In the ordinary life of economic and social accomplishment it is usually called success. And success in this narrower sense is normally a condition, in some part and to some degree, of self-realization. But there are forms of realization for which success seems scarcely the appropriate term. There is, for instance, the realization of love between two human beings. Here realization lies first in bringing our love or devotion for another to full consciousness or actuality. This may take place without return and is still a form of self-realization. But if the love is returned, there is added the realization of another's love for us, and with it a new sense of attainment and possession. Here we should be likely to use the term fulfillment rather than success, for that which is brought to realization here is something which seems to lie deeper and to be a more integral part of the Self than the more external objects and projects to which we devote our effort.

These then are forms of functioning or realization. But deeper than these—deeper even, perhaps, than the realization of love or friendship between persons—is the realization of ends which transcend persons. There are the individual goods described above, but there is also over-individual good—the realization of those values which we subsume under the general terms of the true, the beautiful, and the good. These words are, to be sure, abstractions, but the things for which they stand are not abstractions, as all who pursue these ends know. Pursuit of these ends may, as Ibsen in his later plays showed, involve an abstraction from life which is ethically vicious, but these values correspond to functions basal in the "rational" life of man and their achievement represents, the highest functioning of his nature.

REALIZATION AND SELF-REALIZATION

In all these cases *realization* is in a sense interchangeable with function or functioning of which it is the complete or satisfying form. In such realizations or functionings are found the veritable goods or values of human life for—and this is the important point—they are part of the man himself, they constitute in themselves the development, the realization or the perfection of the self.

This element of *self*-realization has degrees and is present, in greater or less completeness, in the varying types of functioning. Already we may see from the foregoing simple illustrations, that the self is, so to speak, more completely involved in some types of functioning than in others, and that the degree of value associated with such functionings is higher. We shall later attempt to construct a scale or system of human values from this point of view. Here we shall simply emphasize the point that all realization involves self-realization in different degrees, and that it is only in terms of this self-realization that ethical values can be defined and determined.

As a result of this analysis, we may now understand clearly our criticisms of hedonism. It is natural to call the realization and self-realization here described as human "happiness", and rightly understood they are. There is no reason why in popular speech the terms should not be used interchangeably. But there is every reason why they should not be confused in exact thought. Theoretical distinctions have important consequences, a fact well understood in other spheres of knowledge. It makes little difference perhaps, in ordinary discourse, whether we use the terms force or energy. Something moves the table and we refer to the same thing whether we speak of force or energy. But it was precisely the refinement of these terms, and the establishment of clear distinctions between them, that have led to important advances in physics.

OBJECTIONS TO THE SELF-REALIZATION THEORY

It is the view of the present writer that the theory of value here presented is the only one that is tenable in theory and capable of satisfactory application to the practical problems of morals. This is, of course, a position that can be justified only by the results of Book II, in which the theory will be used as a guide through the special fields of morals. We may recall, however, that we have reached this theory only by a careful and fundamental criticism of all other possible theories. It is only fair to say, however, that there are certain criticisms of the self-realization theory that can not be ignored. These are in a way met in later parts of the book, but they are so constantly made that we can scarcely pass them by wholly at the present time.

It is often charged that, as a practical way of life, self-realization contains the same type of difficulty as that described as the hedonistic paradox. Of Theodore Roosevelt it was said, by one of his admirers, that he escaped alike the fallacies of pleasure-seeking and self-realization. In this statement it was assumed that both are alike egoistic and that egoism is self-defeating. Self-realization does, indeed, appear at first sight to be but a more refined name for selfishness and, because the self is made the center or *locus* of value, necessarily egoistic. But all depends, of course, upon our idea of the nature of the self. If, as we shall contend in the next chapter, the very relations of a man to others are part of his intrinsic self-hood, it is only in the realizing or functioning of these relations that realization of the self is achieved. Nevertheless, there is undoubtedly an element of truth in this objection. Spiritual perfection is no exception to the rule that individual good, sought for its own sake, is self-defeating. In a sense self-realization must also be a by-product, as our analysis of realization has shown. But there is an important difference that should not be overlooked. It is well expressed in the epigram: "We must forget the self, but never lose it."

Much more fundamental is the second criticism constantly brought against the self-realization theory. It is that it is theoretically vague and practically useless. It is even charged against it that it involves an argument in a circle, that is when we define good or value in terms of perfection we are really defining the good in terms of itself. Let us consider this latter objection first, for in meeting it we shall also be able to meet the objections that the theory is theoretically vague and practically useless.

This latter criticism was made by Kant in his *Metaphysics of Morals* and was well stated later by Herbert Spencer in his *Data of Ethics:* "Perfection is synonymous with goodness (value) in the highest degree. Hence to define value or good in terms of perfection is indirectly to define value or good in terms of itself. Naturally, therefore, it happens that the notion of perfection, like the notion of goodness, can be defined only in relation to ends." This is undoubtedly true. The notion of perfection is vague and meaningless until we know what it is that is to be perfected. The notion of self-realization is a mere word until we know what are the concrete ends, the realization of which includes or involves self-realization. We may admit then, without any hesitation, that the theory is both theoretically vague and practically useless until it is made more concrete. This task we shall attempt in the chapter on the *System of Values.*

Even now, however, we have reached two important conclusions that can not be gainsaid. We have shown negatively that the notion of happiness is meaningless without the consideration of the functionings of the self, the realization of which means happiness. We have also shown that these functionings can not be adequately described in purely organic or biological terms: we are compelled to proceed to a hyper-organic level of thought. In the second place we have already suggested positively, by our analysis of realization, some at least of the various functionings that are involved in self-realization.

THE PHILOSOPHICAL BACKGROUND OF IDEALISTIC PERFECTIONISM

The discussions of this chapter have led us at certain points into the field of general philosophy. This is in the very nature of the case inevitable. Perfection, perfectionism, have no meaning, as we have seen, until we ask the question what it is that is to be perfected. To answer this question we must ask the further question, what is the nature of man? It is inevitable that our entire conception of what is good or bad, right or wrong, in human behavior and in human life, depends upon our conception of what man is. As J. A. Thomson, the biologist, has said: "what is decent in a chimpanzee is unspeakably abominable in man." The key question of ethics then is, What is man?

Ethical thinking was, we have seen, inevitably affected by the development of Darwinian evolution. The first effect of the application of Darwinian ideas was inevitably to think of man in terms of non-human forms of life. Man might be a high-grade simian, but he was still a simian. It seemed difficult to make any fundamental distinction between the behavior of a simian and that of man—between the habits of the former and the morals of the latter. In the technical terms of the present, naturalistic evolution was *reductive,* that is the tendency was always to reduce the "higher" to the "lower", to try to understand the later forms of life wholly in terms of the earlier. With the notions of evolution then in vogue it was almost inevitable that the ethics of evolution should tend in this direction.

SELF-REALIZATION AND EMERGENT EVOLUTION

In the meantime, our entire thought about evolution has undergone a rather complete change, and as a result our present notions of man and of his place in the evolutionary scheme have also changed in important ways. These new ideas of evolution have different names, such as "creative evolution", associated primarily with the philosophy of Bergson, and "emergent evolution", associated with the names of the biologist C. Lloyd Morgan and the philosopher S. Alexander. These new conceptions of evolution differ among themselves in details, but all agree in being anti-materialistic. That is, all believe that the "higher levels" of life and mind can not be explained by reducing them to forms of matter and motion. In the technical terms of the present, they are anti-reductionist. These higher levels are entirely new qualities that have emerged in the evolutionary process and have their own character and own laws.

Emergent evolution, in the narrower sense, follows this general line of thought. First of all, there is space-time, in the sense of modern physics. From these have evolved the simplest forms of matter and energy. The latter, widely distributed in time and place, become organized into stars and planets. Here, on this earth at least, and perhaps elsewhere, matter becomes organized with a certain complexity and life emerges. An organism, viewed in one way, is simply an aggregate of atoms and molecules, but in the case of what we call organism new properties and modes of behavior are added which are not found in mere aggregates. From lower forms of life emerge other forms in which what we call mind appears, which again has new characteristics and modes of behavior. Matter, life, and mind constitute then distinct levels; but there are also intermediate levels within the larger divisions.

This doctrine of distinct and unique levels is the distinguishing character of emergent evolution. It differs from earlier forms in that it holds that no higher level is reducible to lower ones. Each level has novel characteristics. No one who merely had full knowledge of a lower level could predict the emergence of a higher one with its unique qualities. The practical result of this is that biologists are more and more saying that in order to understand living things we must keep the category of the living intact; we must not try to reduce it to terms of the non-living. Psychologists and sociologists are more and more saying that to understand mind and society we must keep the categories of the mental and the social intact. The mental and the social are biologically conditioned, to be sure, but mental and societal evolution involve new factors that can not be reduced to biological terms.

The entire drift of emergent evolution is in the direction of establishing the uniqueness of the category of personality and of those relations between persons which have the unique quality of the moral. For the emergent evolutionist, what we call mind, in the broad sense, has emerged out of the living non-mental and is associated, in various forms and in differing degrees, with all those animal forms of life where the necessary neurological conditions are present. But a still higher level emerges in which mind has not only consciousness, but consciousness of values. The quality of purposiveness emerges as a particular quality of enhanced consciousness. But just as higher levels of life emerge, so does the knowledge that they are higher and that they are but stages in a process which involves the emergence of levels that are higher yet. This consciousness of values is the characteristic of the highest level of mind.

Emergent evolutionists differ with regard to the ultimate significance of this higher level of mind. Some look upon values (including moral values) as qualities that did not exist in any sense until they made their appearance in time. Those who hold this will then think of morality as purely human, emerging with the human and disappearing if the human passes away. On the other hand, many believe that these values have a more than human significance. That throughout the entire course of evolution there has been an upward *nisus* or tendency, not only towards organization, but towards the creation and development of values. To believe this last is, of course, to regard the world order as in some sense purposive or teleological. But it is also to hold that the values are in some sense implicit in the entire process. This *nisus*, or tendency, to organization, and to the creation of value, may be conceived as an Intelligent Mind, in other words as God. In this case we have what is called Theistic Evolution.

Those who hold the theistic view of evolution maintain naturally that the very presence of moral values and of a moral order, presupposes the reality of the being that religions call God. This is a problem of the type called philosophical and will be considered when we come to the philosophical aspects of ethics. One thing has, however, appeared clearly from the foregoing. The entire drift of modern evolutional theory is in favor of our conception of hyper-organic levels. It is not necessary to say that an emergent evolutionist is necessarily a self-realizationist in ethics. It is, however, perfectly true to say that emergent evolution has provided a philosophical background for the main principles of that theory.

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CHAPTER VII

THE NATURE OF THE SELF
THE OPPOSITION OF EGOISM AND ALTRUISM

Thus far we have investigated the problem of human values without taking into serious account at all a certain contrast of good and bad which is fundamental in ethical practice and theory—the contrast namely between selfishness and unselfishness, or Egoism and Altruism. The contrast is fundamental for the reason that in much of ethical thinking selfishness and bad conduct tend to become identical and unselfishness or altruism are made coextensive with goodness. These distinctions accordingly play a paramount rôle in all ethical discussion. Egoism and altruism, selfishness and unselfishness, are fundamental forms in terms of which we are accustomed to classify conduct, and this contrast in the practical life corresponds to equally thorough-going contrasts in theory. There have been absolute egoists, such as Stirner and Nietzsche, and absolute altruists such as Tolstoy.

FORMS OF THE CONFLICT OF EGOISM VS. ALTRUISM

It is necessary first of all to indicate the various forms which this contrast or opposition takes before we can even hope to understand it, to say nothing of attempting to solve it. This opposition of ideals and principles takes three main forms. In the first place, there is the ordinary conflict between *self-interest* and *benevolence* in the everyday life of the individual man, or the conflict of egoism and altruism in its first meaning. There is, secondly, the conflict between individualism and collectivism in economic activity and in social theory, between the principles of *laissez-faire* and control in the interest of society as a whole. Finally, there is the antithesis between self-expression, on the one hand, and self-repression on the other. This third form is more associated with activities of art and literature and with the life of culture in general. The ideal of self-expression is connected with that of the full development of individuality and is often in opposition to what is called conventional morality.

It may be said that in the main modern ethical thought is in agreement in the belief that these contrasts and conflicts we find in practice and in popular thought are really not so absolute as they appear. It is generally held, for instance, that, as we say, "enlightened self-interest" and the interests of others are identical in the long run; that true self-expression and the rights of social convention are ultimately in harmony; that true individualism and collectivism are not really opposed. It is true that the grounds for this belief are often quite superficial and the resolutions of the conflicts proposed ignore both the difficulties and complexities of the problems involved. It is true also that there are both absolute egoists and absolute altruists for whom no such conciliation is possible. In the main, however, such conciliation of egoism and altruism is held to be possible. This is the view of the present writer. We shall attempt to show that this opposition rests upon artificial distinctions and false assumptions, and that apparent and partial contradictions between the two can not be argued in favor of a complete one. Conciliation of the two is theoretically possible and practically realizable. The first step in this task is to take up the fundamental question of the nature of the human self, i.e., what the *true* self *really* is.

THE INDIVIDUAL AS A SOCIAL BEING

The true self, it is said, is a social self; the individual, rightly understood, is a social being. Three lines of argument have contributed to this view. They are taken from biology, psychology and general philosophical reflection. Taken together, and properly understood, they form a considerable body of evidence for this position.

Probably the most considerable contribution of modern biology to our working conception of the world in which we live is the idea of society as an organic unity. The meaning of this, broadly speaking, is that, just as we recognize a common life animating all the members of which a living body is composed, so we must acknowledge a similar unity among the members of a human society. The idea itself is, of course, very old (in a non-biological form it is present in both Greek and Christian thought) but it has been the peculiar service of biology to rehabilitate this conception and to present it in a form that has made it convincing to the modern man.

The idea has indeed sometimes been presented in the form of a somewhat extravagant analogy. Attempts have been made to draw parallels between the structures of human societies and the constitution of human and animal bodies. The individual is conceived of as a cell in the organic tissue of society, and different social groups compared to different organs of the body. Differentiation and integration of functions in society have been spoken of as though there were no difference between social and organic life. Herbert Spencer set the fashion, and this method was carried out in minute detail by many writers such as the German *Schäffle* in his *Structure and Life of the Social Body*. Such analogies are, no doubt, suggestive to a degree, but are on the whole more ingenious than convincing. When made to "go on all fours", they lead to positive error. The element of truth in the entire conception lies in the recognition of the fact that human society has at least an organic basis, and that, in so far as this basis is determinative, it leads us to think of the individual as part of a larger whole. Professor E. G. Conklin has put this truth in the following way. "With respect to the opposing principles of individual freedom and social co-operation, liberty or duty, individualism or socialism," he writes, "there can be no question as to the biological answer. The whole course of evolution shows that the most essential feature of biological progress consists in the subordination of minor unities to the larger units of organization. Does this same rule apply to man?" he asks. If so, he is inclined to believe that what we know as individualism and democracy "would seem to be doomed to destruction."

THE PSYCHOLOGICAL ARGUMENT

The individual man is, then, organic to society, but his true relation is not adequately described by the merely organic analogy. Indeed sociality, in this sense, is not that which specifically distinguishes man. In many animals, such as the ants and bees, sociality, in the sense of organization, is more highly developed than in man. It is not to be wondered at that those who think wholly in organic terms should sometimes place these forms of sociality above the human. That which distinguishes man is his social *consciousness*. In the case of the human species the distinguishing mark is rather *the will to place oneself in the whole*. The over-individual totality which constitutes a human society is, therefore, of a volitional character and is directed towards ends of the will. To mark this difference we have described human society as hyper-organic. The individual's relation to it is more than the organic relation of the part to the whole. It is at this point that psychological rather than biological conceptions come into play.

There are two points at which modern psychology has made significant contributions. It has made it clear to us that, so far as native endowment is concerned, man is as much an altruist as an egoist. It has also shown us that what we call the self, or personality, is not something that is inborn but acquired, and that its acquisition is the product of social intercourse or interaction with society.

The first of these points is of real importance for ethical theory. The psychology which underlay the individualism of the seventeenth and eighteenth centuries assumed more or less without question that man is by nature "selfish", that the egoistic instinct, as it was called, in its elementary form the instinct of self-preservation, is inborn; while all sympathetic instincts that we call altruism are secondary and developed in the experience of the individual and the race. According to this view (as developed by such ethical and social thinkers as Hobbes) the individual came to have other-regarding impulses only because he learned by experience that only by sacrificing some of his egoistic impulses could he, as an individual, persist in his being. The "state of nature" was a war of all against all, a struggle mitigated only by painfully acquired altruism. Contemporary psychology recognizes that this is an extremely artificial and distorted picture. Altruism, in its most primitive form, is as original as egoism. Natural selection evolved altruistic no less than egoistic tendencies in the interest of the survival of the race, the chief of which, perhaps, the maternal instinct, is the most fundamental. Some thinkers, such as the sociologist Briffault, believe this instinct to be the source of all sympathy and altruism. Be this as it may, the primitive character of altruism is undeniable. As a consequence, ethical theory is justified in two conclusions that are of importance for this discussion. On the one hand "altruism" as such, is a merely natural non-moral quality and becomes moral only in the light of the forms it takes on, or the objects towards which it is directed. On the other hand, the self is a social self, in that any development or realization of the self must include the exercise and realization of the other-regarding tendencies which constitute a part of that self.

The second contribution of modern psychology is of no less importance for ethics. The notion which underlay the earlier individualism was that the self is, so to speak, by nature and from the beginning, a unitary indivisible whole, only externally, and to a limited degree, modified and determined by its interaction with other selves. Contemporary psychology, on the other hand, has, in the first place, accepted the fact or principle that the self-content is complex. The notion of a simple and undecomposable self revealed by intuition, is no longer held as applicable to the empirical self with which psychology deals. When held at all, it is thought of as applicable only to the self of knowledge, the transcendental self, as Kant called it.

But more than this. Contemporary psychology looks upon the self as essentially a social product, and speaks of the social factor in the development of the notion of the self. By this is meant that the baby, when born into the world, is not a self in any significant sense. He is, so to speak, a mere bundle of instincts or tendencies, with, at most, the potentiality of self-hood. It has been shown that self-hood and the idea of the self that goes with it, grows by imitation and suggestion, being gradually built up under the stimulus of the social life, *correlatively* with the notion of the other person or *alter*. J. M. Baldwin developed a scheme of stages of this development under the term, "the dialectic of personal growth." Psychologists differ greatly as to the nature and extent of the native endowment of the new-born child, but all agree that it does not include self-hood or personality. They differ widely as to the stages and factors in this personal growth, but all agree that it *is* a growth and that the factors are fundamentally social.

THE ARGUMENT FROM PHILOSOPHY

Biological and psychological ways of thinking have, then, both contributed to our growing emphasis on the idea of society as an over-individual whole and of the individual as essentially a social being. But the problem of the relation of the individual to society is, after all, only one aspect of a larger problem of general philosophy, namely the relation of individual things of any kind to the whole world of which they are a part. In philosophy the two possible views are Pluralism and Monism. Which is the metaphysically ultimate, the individual entity or the systematic whole of which it is a part?

It is a question how far one should enter into a metaphysical discussion of this kind in an elementary treatise on ethics, but some reference to the problem seems necessary for the following reasons. For one thing, egoists, or extreme individualists in ethics, are likely to be pluralists in their general philosophy. They have an "atomistic" conception of the self, and they are likely to justify it by an appeal to an atomistic or pluralistic view of reality as a whole. But in the second place, the social conception of the self we are here developing, while increasingly justified by biological and psychological science, was in the first instance formulated by the philosophers, and the final arguments are still philosophical or metaphysical.

It may be fairly said, I think, that the general tendency of science as a whole is monistic in this sense. The sciences of biology and psychology, as we have seen, tend to explain and interpret the individual entity in terms of the larger whole rather than the whole in terms of the individual. This tendency is, moreover, common to all science, which assumes and strives to prove that the plurality of things can be understood as one system of relations. The general tendency of philosophy is in the same direction. Even the pluralists tend to believe that at least the *tendency* in the universe is towards greater and greater wholes and that the direction of the development in knowledge is towards totality.

The thesis of this general position is that the true nature of any individual can not be known or defined apart from its relations to others and its place in the whole. A poetic expression of this idea is found in the oft-quoted lines of Tennyson:

> "Flower in the crannied wall
> If I knew you, what you are, all in all,
> I should know what man is and God is."

The idea here expressed is that even to know what the flower is in its full reality, we must know the other things in the system of nature of which it is a part. On the other hand, to know any one thing fully, such as the flower, would involve the knowledge of the entire system of which it is a part. All of which implies that any individual thing is a center of relations, that the relations are part of its nature.

Now whatever may be true of things—of flowers or stones, of atoms or electrons—it is certainly true of men that it is their relations that constitute their nature. When they enter into social relations their nature is really affected by so doing. The relation of fatherhood or friendship, or what not, is not external to the individuals thus related, but enters, so to speak, into their very souls, and becomes a part of their very nature. Part of a man's nature is precisely that he *is* a husband and a father, a citizen and a worker. It is possible, to be sure, to think of him as abstracted from those relations, but that would be, in Hegel's terms, a "false abstraction."

The truth of these conceptions can be shown in a concrete and practical way by reflecting upon what it is that makes men take their own lives. Ignoring those cases of suicide where the causes are obviously what we call temporary insanity, the reasons may be summarized in the phrase "life is no longer worth living." When we examine more closely what this means, almost invariably it appears that certain relations to others, necessary to give life meaning, have been sundered. A man loses his money and is no longer able to move in the circles to which he is accustomed. Or he loses his reputation or good name, again a function of his relations with his fellows. Or finally, he has lost wife, friend or children with which his own life and personality have been bound up. In short, the content of his self has been social, and when that content is lost he becomes, as it were, an empty shell, and life is no longer worth living.

Laws against suicide, everywhere present in the western world, presuppose the same conception of the self. The individual's life is not his own. He has assumed obligations, entered into human relations, become part of institutions—in short he is a social self—and the will of society, as embodied in the state, considers respect for his own life part of the "ethical minimum" necessary for the maintenance of the social good.

The individual is, then, a true individual only as he is a center of relations. It follows that true self-realization involves the recognition and development of these relations; or otherwise stated, he is a true self only as he is part of larger unities or wholes. The philosophy, on the other hand, that holds the individual to be ultimate and the social relations external and accidental, looks upon these relations only as bonds to be broken. Freedom, self-realization, consist merely in setting free the primitive impulses of men, and result inevitably in an iconoclastic attitude towards all human institutions, such as the family and the state. What such a philosophy does not reckon with is the possibility that these relations and bonds may be the man's own very sinews, and that by the time a man has broken them all, he may be no man at all.

The self-defeating character of this type of individualism has never been more eloquently shown than in Ibsen's famous play, *Peer Gynt*. Peer Gynt is an individualist of this type, whose maxim of life is: "Peer, to thyself be enough."

After a life in which the following of this maxim has ended only in losing himself, Peer comes back to his native land an empty and broken man. In his hunger he strips off peel after peel of an onion, to get at the core. Each peel symbolizes in Ibsen's thought a layer of social content or relations, and when the last is removed, there is nothing left. In this image Ibsen suggests the social nature of the self.

APPLICATION OF THE THEORY. CONCILIATION OF EGOISM AND ALTRUISM

Few of us would be disposed to doubt the general proposition that the individual is a social being. But we might be permitted to wonder, perhaps, how so general and theoretical a proposition can be made to help us solve the practical problems of the relation of individual to individual and of the individual to society. We are told that a being who is not social must be either a beast or a god, that the individual can not develop in a vacuum, but we have still to see how such generalities are to help us to solve the problems of egoism and altruism in their various forms—to harmonize the bitter conflicts of interest between individual and individual, between individual and society, between employer and employed. We must, as the saying is, "get down to cases." Let us then see how it is proposed to bring about a "conciliation of egoism and altruism" in the light of this theory.

THE COMMON SENSE ATTITUDE. ENLIGHTENED SELF-INTEREST

Most moralists have usually tried to mediate between these two tendencies, to seek a *compromise* between the two extreme attitudes. In this they represent in general what we have called the morality of "common sense." This common sense attitude may be roughly and somewhat bluntly expressed in the following way. The man whose actions are all egoistic or self-regarding is a knave; the man whose actions are all other-regarding is a fool. The former may be a fool as well as a knave, for pure egoism is in the long run self-defeating also. The wise and good man is he who strikes a proper balance between them.

Now this is probably a fair picture of what most men in practice actually do and think. The average "worthy citizen," as he himself would say, indulges and asserts himself in certain respects and restrains himself in others. He thinks of his own interests a large part of the time, but this does not exclude the interests of others. On the other hand, his common sense tells him that, even when he devotes himself to the good of others, "self-sacrifice" can not intelligently go so far as to blind him to his own interests and welfare. He may in business put service above profit, but he cannot see how the best service is to be rendered if all profit to the individual is excluded.

One of the classical attempts at a solution of the problem in this spirit is that of Herbert Spencer in his chapter entitled *The Conciliation of Egoism and Altruism.* The method employed is to show that neither extreme egoism nor extreme altruism is really enlightened. Both are irrational in that they defeat their own ends—each constitutes a self-defeating process.

Let us start with pure altruism, or pure self-sacrifice, which, as we have seen, is sometimes identified with the moral attitude as such. We are presented with the picture of a poor London clerk, devoted to his family and somewhat stupidly sacrificing himself at every point for what he considers their good. He denies himself sufficient food and the necessary clothes that would protect him from the weather. As a result he weakens his health and finally becomes the prey of a disease which removes him from his family just at the time when his care and protection are most needed. Even granted that this pure altruism is morally a noble quality, it was unintelligent altruism, because it defeated the very ends it had in mind.

The evils of "unregulated altruism," such as this have much wider ramifications than at first appear. Parents who sacrifice everything for their children may not only diminish their own capacity for serving them, but even create in them the very qualities of irresponsibility and selfishness which will later prove their undoing. The height of such folly is reached when love for the child takes the form of the denial to him of that discipline which he will later so sorely need.

Unintelligent altruism, even from the standpoint of the altruist, defeats its own ends. Similarly unintelligent egoism defeats the very ends of the egoist himself.

Illustrations are everywhere at hand. I choose one from my own observation which brings out the point as well if not better than most. A man of the powerful, self-centered type, rather brutal in his egoism, rode rough-shod over others in his business and political life, as well as in his personal relations. He was to himself enough. Rather late in life he married and, as is not infrequently the case in such persons, became devoted to his children as an extension of his own self. He found, however, that he had alienated people to such an extent, had created a social vacuum around himself to such a degree, that it was extremely difficult to provide for his children certain social advantages and connections which he now desired above all else.

Even *as an egoist,* he had defeated his own ends by his egoism. His egoism was unintelligent because he had not been able to foresee what he would want in later life—what his own *selfishness* would include. His self was so much a social self that an egoism, involving the denial of that fact, defeated its own ends. Analyses of this kind have been made by a great number of moralists. Guyau, the French philosopher, has pointed out that the will to power, as exemplified in the great historic tyrants, invariably has the result of creating just such a social vacuum around them. Their familiars are confined to sycophants and toadies. They lose touch with mankind, become the prey of all sorts of fears and illusions, and ultimately make their own lives unbearable.

CONCILIATION AS AGAINST COMPROMISE

The solution of the opposition of egoism and altruism thus proposed may be fairly described as a compromise. If one is to be an egoist, he should be an enlightened egoist, and if he is such he will see that he can not put through his own egoistic ends without acknowledging, and to a degree respecting, the ends of others. If one is to be an altruist, he should be an enlightened one, and if he is such, he will see that he can not serve others without securing his own interests and developing his own powers. Enlightenment of this sort results then practically in a sort of middle ground or compromise.

Now, no one would deny the element of wisdom or the practical value of this common sense way of looking at things. But enlightenment may be carried farther, and when this is done it results in a type of solution of the problem which may be described as *conciliation* rather than compromise. This enlightenment consists in just that deeper insight into the nature of the self and of its interests which our preceding study of the self has, it is to be hoped, brought about. In general, compromise is a more or less external adjustment of interests or values, assumed to be in themselves irreconcilable in principle. Conciliation, on the other hand, is a reconciliation of apparently opposing positions through a more internal understanding of both positions, and an appeal to some standpoint of value that transcends them both.

Ethical philosophers quite generally call attention to two fallacies, or false assumptions, that underlie this sharp opposition of egoism and altruism. The first of these is that moral quality or value attaches intrinsically to egoism and altruism as such. In reality they are neither good nor bad. They are instinctive and sub-moral and acquire moral character only in relation to the ends towards which these instincts or tendencies are directed. In the second place, it is assumed that the good is exclusively that of the ego or the alter when, in reality, the highest goods transcend that distinction, or, in other words, are *common good.*

Egoism is not necessarily evil, as is often supposed, but its good or bad is determined wholly by the objects or ends towards which it is directed. Egoism has the sub-forms of self-preservation and self-realization. The first of these may be distinctly good and in fact a duty. It all depends upon what the life is preserved for. Self-satisfaction involves satisfaction through something. Whether it be morally good or bad depends wholly on what it is through which, and in which, the self is satisfied. The same is true of self-realization. It depends upon *what* self is realized. Altruism, or self-sacrifice, is in itself no less neutral and non-moral. Altruism may, and history shows that it often does, attach itself to evil ends. Men's loyalties and self-sacrifices have been vicious almost as often as virtuous. The moral quality depends upon that for which the self is sacrificed. We have seen that self-preservation, self-satisfaction, and self-realization are morally empty and worthless if taken as ends in themselves. But if this is true, it is not clear why self-sacrifice for the preservation, satisfaction or self-realization of another should have absolute value.

It is then fallacious to think of self-affirmation as intrinsically evil and self-denial as intrinsically good. Such a view is simply part of the formalistic theory, which holds that the moral quality of an act lies wholly in its "inner form", and is wholly independent of the ends or consequences of the act. The same criticisms that apply to formalism in general apply also to this application of it. In fact, it has often been shown that altruism universalized would not lead to the highest good. We should have a situation analogous to that which existed on that apocyryphal island on which "the natives made their living by taking in each other's washing." There are reasons as we shall see later (Chapter XIV) for the extreme valuation ethical religions have always put upon altruistic motives, but these reasons do not justify the moral dualism expressed in the complete opposition of egoism and altruism.

The second fallacy to which ethical philosophers quite generally call attention is even more fundamental and serious in its practical consequences. It is assumed, falsely we have seen, that the good is always *somebody's* good and that therefore we should always choose the good of others. This fallacy may be concretely illustrated by the case of St. Crispin who stole leather from the rich to make shoes for the poor. The motive in this case was undoubtedly one of sympathy and altruism. If the problem were merely one of the greatest welfare or happiness for the greatest number of individuals in a given practical situation, we should be strongly tempted to judge the saint's action favorably. His fallacy lay in the false assumption that the good of individuals can be abstracted from the good of the whole. What he overlooked was the effect on society of the violation of the institution of property. The highest good is always over-individual in this sense, social or *common good.*

The fallacy here is again one of vicious abstractionism. It is an abstraction to think of my good as something that I can gain or enjoy to the exclusion of others. The very nature of my self-hood makes that impossible. It is equally an abstraction to think that the good of another individual, the *alter,* is such a good. Altruism, in this limited sense, is, as has been well said, merely "egoism multiplied." If my individual good has no absolute value, there seems no reason why that of others should either. Enlightened ethical thought is coming more and more to the insight that the highest good is always the common good and that the highest functioning of man consists in activities that transcend the distinctions of the self and the other.

SELF-EXPRESSION AND SELF-REPRESSION

The primary form in which the opposition of egoism and altruism presents itself is in the selfishness and unselfishness of ordinary life. The two other forms in which it appears are the conflict of individualism and collectivism, or socialism, in economic and political theory and practice, and the opposition of self-expression and self-repression, or "inhibition," in the wider ranges or artistic and social life. The first of these will be considered in detail in later chapters. The second form of the conflict may with advantage be considered here. The preceding conceptions may increase our enlightenment concerning this false opposition also.

The self-defeating character of self-repression, as exercised either by the individual or by society, has been sufficiently emphasized in recent thought and practice. The disastrous results of excessive repression of natural and normal impulses is the burden of modern abnormal psychology. It is also a platitude of modern sociological thought that repression of individuality in the interest of supposed social ends defeats those very ends themselves. Progress, we are told, comes through variations, and the encouragement and stimulation of individuality is the very condition of social progress.

All this has its element of truth, and the consequent emphasis upon self-expression in education and in art is not without a certain justification. On the other hand, the extreme of self-expression is equally self-defeating. Self-expression is no more a good in itself than is self-preservation; it all depends upon the self that is expressed. If I start out to express myself before I have a self worth expressing, I never achieve one. This is peculiarly the case in the application of the idea of self-expression to education. It is, of course, right to consider each pupil's individuality and personality and to train it in various ways. But to suggest to the pupil that his whole duty is to express himself is to initiate a process that is the direct opposite of true education. We all start with an extremely limited appreciation of the true values of things, and also with a rather confident opinion that the thing that does not please us is not worth much. True education consists in getting into contact with minds superior to our own, and thereby becoming capable of seeing things which we do not at first see, and appreciating and understanding things which are above us. One can not imagine an education "more damnable" to use Mr. Gilbert Murray's words, than one that would teach us to express ourselves as we are.[1]

THEORIES OF PURE EGOISM AND PURE ALTRUISM

For our thinking, then, the conflict of egoism vs. altruism presents no ultimate difficulties. Practical wisdom and enlightened theory agree in refusing to recognize any absolute conflict, or that any choice between two ultimate alternatives is here necessary. It cannot be denied, however, that many fine minds, and some of them of the keenest, refuse to recognize either any practical conciliation as possible or any rational or theoretical synthesis of the two as tenable. Precisely in our own time there have been two redoubtable and uncompromising protagonists of these two opposing theories, Tolstoy the upholder of absolute altruism and Nietzsche the critic and opponent of altruism in all its forms. In contrast to them, we find in Ibsen the representative of a mediating position which expresses in a general way the position taken in this chapter. Our entire discussion may be made more vivid and concrete by reference to these famous writers. In general, we must go to literature for the more concrete and living presentation of moral experience and problems, and the problem of egoism vs. altruism is no exception to the rule.

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[1] Gilbert Murray, "The Crisis in Morals," *Harpers Magazine*, January, 1930.

ABSOLUTE ALTRUISM. TOLSTOY

The supreme champion of absolute altruism in our own time is Tolstoy. In his novels and plays, no less than in his distinctively philosophical works, he consistently maintains (1) that moral goodness is identical with altruism and (2) that only in acts of self-sacrifice can the true self be realized. Egoism, whether in the form of the will to power or in gratification of the life of sense, is always self-defeating; and all his characters who attain to self-realization do so through insight into the illusions of egoism and through sacrifice of self to others. The philosophhy underlying this view Tolstoy has expressed in vivid and telling form in *My Confession* and *On Life*.

The negative side of Tolstoy's position and argument is a development of the thesis of the self-defeating character of egoism which we have already considered. Nowhere in any literature has this thesis been developed so convincingly and with such uncanny insight into the hidden motives and experiences of men. To refer only briefly to some of the works in which the position is developed, there is the hideous working out of sex egoism in the *Kreutzer Sonata,* of maternal egoism in *The Power of Darkness,* and of ordinary selfishness in *The Death of Ivan Ilyitsch;* and above all, perhaps, the marvellous contrasts of egoism and altruism in *War and Peace.* On the positive side he shows in truly marvellous fashion the joy of self-sacrifice for others, as in *Master and Man,* and the realization of self through identification with something bigger than our own little egos.

Tolstoy is too intense for our western taste, and a certain fanaticism can not be denied at points. But no one can follow his thinking through without recognizing in him, not only a literary genius of the highest order, but a moral philosopher of uncommon insight and power.

ABSOLUTE SELF-AFFIRMATION. NIETZSCHE

As the direct opposite of Tolstoy, we may take Nietzsche, the arch enemy of Christian love for neighbor, of altruism, and of all socialistic feeling and theory. While not an egoist in the vulgar sense of self-seeking, he is yet an uncompromising critic of the ethics of sympathy and of the doctrine of altruism and self-sacrifice which is associated in his mind with Christian morals.

Nietzsche approaches the problem from a totally different angle from that of Tolstoy. He is a naturalistic perfectionist, basing his entire theory of morals on biological evolution. For Nietzsche life means not merely survival; in its inmost nature it is the "will to power." Anything that enhances life, or the will to power, is good and all that inhibits it is bad. In his *Genealogy of Morals* and *Thus Spake Zarathustra* he never tires of exalting this will to power, and in the latter the Superman becomes his symbol for the "higher man."

As a consequence of this main position, Nietzsche can not find words strong enough to condemn all self-abnegation, self-sacrifice, and asceticism in every form. Christianity, which to him embodies the principle of absolute altruism, he describes as "the one immortal blemish of mankind." It is so because the principle of altruism and self-sacrifice, in every form, is inimical to life and the will to life. It is inimical not only in the narrow biological sense, that all sympathy for the weak tends to keep alive forms of life that the struggle for existence ought to eliminate, but also because it has in his view, implanted in man an entire morality of sympathy, a philosophy of values, that stands in the way of what he considers to be the highest development of man.

Here again, Nietzsche, like Tolstoy, defends his thesis with an intensity and fanaticism distasteful to many. But no one with a fine psychological sense can fail to feel that Nietzsche has ferreted out, if not fundamental defects of sympathy, altruism and self-sacrifice, at least certain obvious perversions. Altruism or self-sacrifice, as ends in themselves, do tend to be self-defeating and inimical to life, and Nietzsche was not slow to see these facts. On the other hand, it is equally clear that Nietzsche was not able to make good his main criticism of Christian ethics, or his own thesis of absolute self-affirmation. For one thing, he misinterpreted the Christian conception. Christianity, from its founder to the present day, has never taught absolute altruism. "Thou shalt love the Lord thy God, etc., and thy neighbor as thyself." Self-love, in the sense of affirmation of the true self and of self-realization, is a central principle of Christian ethics. Nor has Christianity ever given any value to self-denial or asceticism as ends in themselves. It is only as means to higher ends, just as the athlete, or any other man with a prize in view, denies himself that which is inimical to the higher end. On the other hand, Nietzsche himself was unable to carry out his purely egoistic principle. His practical ethics were to a large degree an ethics of self-sacrifice, sacrifice of the individual for the Superman that is to come.

IBSEN, THE MEDIATOR

The study of these great protagonists of two opposing moral philosophies makes clear to us both the reasons for their extreme positions and the points at which their uncompromising attitudes display the element of unreason inherent in them. Fortunately for the student of ethical reflection there is a writer of the first order who has grasped the irrational element in both extremes and made it abundantly clear in a series of remarkable plays—the Norwegian dramatist, Ibsen.

Ibsen is generally described as an individualist, as a preacher of self-realization, and in the sense in which the term is used in this book, he is such. But there is no more bitter critic of egoism in all literature than the writer of *Peer Gynt* and *Little Eyolf*. We have already seen how in *Peer Gynt* he develops the thesis of the self-defeating character of pure egoism. As a companion piece, written in the same period of his literary activity, we have in *Brand,* an equally penetrating criticism of the principle of absolute altruism. With uncanny insight Ibsen shows how this arch-altruist, Brand, this practicer of absolute self-abnegation, not only defeats the very ends he had in view, but himself becomes, by a sort of paradox, a spiritual egoist of a most unpleasant type. If the arch-egoist Peer Gynt, as a result of the illusions inherent in his egoistic point of view, in the long run defeats his own egoistic ends, and finally returns to his native land empty in pocket and in character, the arch-altruist also, by his fanaticism, empties and in the end destroys, the very self which he would give to others.

Ibsen in these two contrasting plays is saying precisely what the ethical philosopher must say in more abstract and philosophical form. But he continues to be a mediator throughout his intellectual life. As he penetrates ever more deeply into the spiritual life of man, he makes it clear to us that all extreme forms of self-affirmation or self-abnegation defeat themselves. They are abstractions from life, and for Ibsen the one ultimate sin is this "vicious abstractionism."

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- * William James, *Principles of Psychology*, Chap. X, *Briefer Course*, Chap. XXVI.
- * C. L. Sherman, *The Moral Self*, Chaps. VI, VII.
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GOISM AND ALTRUISM IN LITERATURE AND PHILOSOPHY.

- Tolstoy (in addition to works mentioned in the text), *What Men Live By* and *On Life.*
- Nietzsche, *The Genealogy of Morals, The Will to Power* and *Thus Spake Zarathustra.*
- P. E. More, *The Drift of Romanticism, "Huxley" and "Nietzsche."*
- * J. N. Figgis, *The Will To Freedom, The Gospel of Nietzsche and the Gospel of Christ*, Chap. III.

PART II

MORAL PRACTICE

CHAPTER VIII

THE SYSTEM OF HUMAN VALUES

THE WORLD OF VALUES

The life of every man is a continuous process of choice. Even the refusal to choose, as William James was fond of pointing out, is itself a form of choice. No one can escape this fundamental character of human life, for it lies in the very nature of the life process itself.

Every man seeks only the good. Even when he chooses that which is held or known to be evil, it is, as the old saying goes, *sub specie boni,* with the idea that it *is* the good. But the idea of the good implies necessarily the ideas of better and best. The result is that, from one aspect at least, the practical life of choice results constantly and necessarily in the formation of some scale or system of goods or values which constitutes what we often call a man's "philosophy of life." Now the "wise man," as St. Thomas Aquinas said, "is he who puts things in their right order and controls them well." Into some order the things, the goods of life, will inevitably fall; the whole question is whether it is the *right* order.

The goal of practical morals is, then, to put things in their right order; its fundamental task to determine the true relative values of things. It is in the achievement of this goal and in the prosecution of this task that ethical theory plays its chief rôle. Ethical reflection seeks "to bring our ordinary judgments of value, in so far as they tally with enlightened conscience, into a coherent system, discovering in them the principle of value which determines this order and system." Each of the theories we have examined has attempted to discover this principle of value. If one considers the pleasure principle to be the principle of value, he will inevitably attempt, as did Bentham, to order the goods of life according to a quantitative scale of pleasure; or perhaps, like Mill, find it necessary to introduce a qualitative scale also. If one accepts the principle of organic survival or welfare as the essential of value, he will inevitably see in the degree of fitness, or adaptation to environment, the criterion of relative value. If, finally, one sees in self-realization the principle of value, the relative values of the different objects of desire will be found in the degree to which the true self is realized in the satisfaction of different tendencies or functions.

The task of the present chapter is then two-fold. The first is to explore the world of human goods or values, and if possible to bring them into a coherent system, in order that we may find a rational standpoint from which the practical choices of life shall be made. The second task is to discover the principle of value that determines this order or system. We have already found reasons for believing that the theory of self-realization alone gives us a satisfactory theory of the nature of ethical value. We shall now see that it is the only theory that enables us to explain and interpret the order and system in which men naturally and normally place the goods of life; that the relation of higher and lower among values is determined by the degree of self-realization involved.

The consequences of this study will also be two-fold. We shall, in the first place, make the theory of self-realization more concrete. Until notions such as "perfection," or "total self-realization," are thus made concrete, they necessarily remain not only abstract and vague, but practically useless. But, in the second place, when this ideal becomes thus concrete, it also becomes a principle in terms of which the practical problems of morals may be solved. The present chapter affords therefore the natural introduction to the more practical aspects of morals.

THE TABLE OF VALUES

The unreflective "common sense" of men recognizes certain classes of human goods or values. It also tends, as we shall see presently, to put these groups or classes in a certain order. Let us begin our study then with this natural or normal grouping. We shall find that it ordinarily includes eight classes as follows:[1]

I. Bodily Values
II. Economic Values
III. Values of Recreation
IV. Values of Association
V. Character Values
VI. Esthetic Values
VII. Intellectual Values
VIII. Religious Values

These classes of values will be defined more fully as the discussion proceeds. The only merit we claim for this preliminary grouping is that it gives us a serviceable starting-point for the exploration of the field of human values. It may be claimed, however, I think, that these class names represent goods that are immediately understood and appreciated; that all possible values are included in these groups; and that all are actual values—that is values universally recognized as representing things or objects that men do actually value. By some individuals some of these values may be thought of as of little importance, as for instance those included in the class, esthetic; by others some may, perhaps, be thought of as negative or of actual disutility, as in the case of the religious values in Soviet Russia. But no one would deny that a merely empirical grouping must contain all these values.[1]

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[1] A similar table is found in W. G. Everett's *Moral Values*, Chap. VII. In general when such a table is constructed it takes this form.

THE NORMAL ORDER OF VALUES

Thus far we have merely a grouping—not an order or system. Yet even in this grouping there is a *kind* of order. The presentation of these groups in merely numerical arrangement suggests an order that is more than numerical. The mere fact that in putting them down on paper, they can not be presented all at once, but must be put one after the other, involves some selection; and in this selection we include, almost instinctively as it were, another type of order than the numerical. We might have begun with religious and esthetic values and ended with bodily values, or we might have mixed them all up; but something led us to put them in an order that would also suggest their relative *importance*. That which led us to do this, I think, is the fact that in the very notion of value itself is included the idea of more or less value, in other words of degree. To arrange values in any way that did not also suggest their *relative* value or importance would have something irrational in it.

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[1] It may be interesting to compare this table of values with the table of activities or "functions" in terms of which the authors of the sociological study, *Middletown,* made their investigation of the life of a typical American small city.

"This study," they state in the *Introduction*, "proceeds on the assumption that all the things people do in this American city may be viewed as falling under one or another of the following six main-trunk activities:

Getting a living.
Making a home.
Training the young.
Using leisure in various forms of play, art, etc.
Engaging in religious practices.
Engaging in community activities."

They are careful to insist that "this particular grouping of activities is used with no idea of its exclusive merit, but simply as a methodological device," although they refer to a similar classification or grouping of activities in Rivers' *Social Organization.* We may suggest that scarcely any other grouping is possible; and also that the values realized in these activities are the fundamental values of which any ethics must take account.

Now I think it is true that almost any one would put these groups in something like the order chosen, and for the reasons indicated. The idea that one had in mind might be that the bodily and economic values are fundamental in that they are absolutely necessary for life, while the other groups are progressively less and less necessary. On the other hand, one might have the idea that while these are necessary for life, they are not as significant as the other values. He might call these the lower values and the others progressively higher and higher values. Whether, then, we interpret this order from the standpoint of what is basal or fundamental to life, or from the standpoint of what is more significant for the good life, in either case the goods or values would fall into this order, and that is the only point with which we are here concerned.

Our task is then to explain or interpret this natural order. Before proceeding further in this interpretation, let us note something else. Almost any one would, we have said, put the goods of life in these classes, and the classes in something like the preceding order. But he would also do something else. He would naturally divide this table of values into three distinct groups.

The bodily, economic and recreation values would naturally be thought of together, for they all involve the satisfaction of wants connected with what we may call the *bodily* self. The character values and the values of association would be thrown together, for they are connected with the *social* self and arise only in relations of the self to others. The esthetic, intellectual and religious values also go together because, however related to the bodily and social self, however conditioned by them, they really arise only in some functioning of the self that goes beyond them. We may say then, I think, that this division of values into three groups is not wholly arbitrary, but that it springs from some principle inherent in the nature and the relations of the values themselves.

Making use, then, of concepts that are already to a large extent familiar, we may present our table of human values in the following form:

VALUES

- I. *Organic*
  - Bodily
  - Economic
  - Recreation
- II. *Hyper-organic*
  - 1. Values of Sociality
    - Association
    - Character
  - 2. Spiritual Values
    - Intellectual
    - Esthetic
    - Religious

Most of the terms in this classification need no special comment. The distinction between organic and *hyper*-organic has already been made abundantly clear in Chapter VI. The values of sociality, in the two forms of association and character values, are entirely understandable in the light of our discussion of the true self as the social self. It is clear, not only that self-realization is conditioned by association with others, and that the values of such associations involve greater degrees of self-realization than the merely organic functionings, but also that what we call character, and its values, is a creation of this level of association.

It is the second class of values under the hyper-organic, namely the *spiritual,* that needs special comment here. First as to the term itself. The word spiritual is perfectly well understood and has a place in every developed language. In its first meaning it is anything that is not corporeal, and that there are many objects or things in the world that are not physical, everyone but the crass materialist recognizes. In this sense all hyper-organic values are spiritual. But there is also a second meaning, according to which the term is used to characterize those objects of human interest which are of an ideal nature, such as truth, goodness and beauty. These are, as we say, things of the spirit; and he is said to be spiritually-minded who is sensitive to objects and relations in this sphere.

Of the spiritual values, as thus understood, the intellectual values of knowledge are those that are immediately appreciated. Knowledge has a highly instrumental value and is appreciated as a means to the acquisition of bodily and economic good. Its possession is also in certain ways, and to a certain degree, the condition of important social values. The value of education and the right to education are therefore recognized as conditions of self-realization. A man needs knowledge if he is "to make something of himself." But knowledge, in the sense of knowing and understanding for their own sakes, is felt to be, not only a good in itself, but also the indispensable condition of any genuine self-hood.

Less easily appreciated, perhaps, are the esthetic values. Yet they also are everywhere present in the ordinary life of men. A man not only wants an automobile to drive in, but he wants the lines to be flowing and beautiful. He not only wants a house to live in or a building to work in, but he wants certain esthetic qualities to these buildings which may give him permanent satisfaction. Much of the beauty of "things"—of clothes, houses, etc.—is the product of social mode and ephemeral taste, but a significant *residuum* is intrinsic.

It is not difficult to see wherein the intrinsic value of esthetic experiences lies. The esthetic capacity is, in some form and in some degree, present in every individual.

The power to appreciate immediately the rich content of color, line, form, sounds, etc. (to say nothing of the cultural heritage of created beauty in the arts), is not only a source of pleasure, as we say, but one of the chief conditions of the socializing and humanizing of men. Without hesitation we may then say, that esthetic value is widely present in all satisfactory living, and that the realizations of what we call beauty are a large part, and in the end an indispensable condition, of total self-realization.

The religious values are the spiritual values *par excellence.* Indeed, one meaning of the word spiritual given in the dictionaries is "pertaining to divine things." From a purely psychological and sociological point of view, engaging in religious practices and getting the values which come from those practices, is an essential part of the "behavior" of man. Nor do many deny that religion, and religious beliefs and practices, have instrumental value in the economic and social life of mankind. A sense of stewardship, of the duty to make the best of the opportunities that God has given one, may make a man "diligent in business, serving the Lord." The influence of religious beliefs and sentiments in the development of the economic life of America has been pointed out by various writers. Again, the place of religion as a means of "social control" has been emphasized *ad nauseam* by recent sociological writers. But when all this is recognized, it is, after all, as intrinsic values, as forms of realization in the individual life of man, that religious values have their highest moral significance. It is in this sense that they are understood when put into the class of spiritual values.

THE RELATION OF HUMAN VALUES TO "INSTINCTS" AND INTERESTS

A more complete exploration of the field of human values requires a further differentiation and expansion of these general groups. This can best be accomplished by following the clues of the fundamental wants or needs of man. Our first definition of value was, indeed, "whatever satisfies a human want." Now it is a belief, of popular psychology at least, that man is in possession of a set of fundamental wants, the satisfaction of which constitutes his normal well-being and the arrest or inhibition of which, ill-being. These are commonly called *instincts* and the self thus constituted may be described as the instinctive self, in contrast to the rational self to be realized.

It is unfortunate for our present purpose that recent "scientific" psychology is against our using instinct in this natural and popular sense. If we were constructing a table of values a decade ago we should be allowed to use this term without any question. William James stated that the existence of instincts "on an enormous scale in the animal kingdom needs no proof"; and went on to say that "man is distinguished from the other animals, not by the absence of instincts but by their comparative multiplicity." Today some psychologists talk of giving up instincts altogether, although popular opinion is in the directly opposite direction. The question really turns largely on an ambiguity in the term instinct. In sociological and ethical thought the term is used mainly to designate certain dispositions or tendencies which may be taken as fundamental springs of action. For the psychologist, the notion has also invariably included the idea of innateness. Some psychologists believe today that there is experimental and other empirical evidence which goes to disprove the innateness of the majority of those impulses we have hitherto called instincts. Now it does not follow that the absence of dispositions or tendencies in infancy disproves their existence in man. Some hereditary traits such as sexuality and walking may require the growth and maturity of the structures involved. On the other hand, it seems unlikely that these fundamental impulses or springs of action are merely habits. The present writer favors the hypothesis, shared by many psychologists, that the principal primary impulses or drives are really instincts, fixed in prehistoric, and to a considerable extent prehuman, ages. They are modifiable, of course, but not to the extent that they would be if they were merely habits. In any case these technical questions need not disturb us here. From the standpoint of constructing a table or system of values, there are certain dispositions or tendencies which, whether innate or acquired, are fundamental and universal enough to be made the basis of human values. Whether we call them interests or instincts is immaterial. "Interest and instinct are," in the words of Professor R. B. Perry, "the same thing save that instinct implies a further theory of inheritance that must, for the present at least, be regarded at best as a probable hypothesis." [1]

Ignoring then these technical questions, not because they are unimportant from the point of view from which they have been raised, but because they do not affect the use which we wish to make of the concept of instinct, we may say that all these values correspond to fundamental instinctive needs or wants of men. Thus, any classification of instincts would include the instincts of hunger, sex and play, out of which the bodily needs and those of recreation arise. It would also include the gregarious instinct and the instincts of self-affirmation and self-denial, with which the values of association and of character are connected. It could scarcely fail to connect the intellectual values of man with that curiosity, so basal in both animals and men as to have given it the name of instinct. While there might be difference of opinion as to the exact instinctive basis of esthetic activities, whether for instance they may or may not be related to the play impulse, as Karl Groos held; and while some might deny any instinctive basis whatever to the religious emotions; surely these too are fundamental and universal enough to be recognized as basic springs of action, and therefore as instincts in our uncritical use of the term.

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[1] *General Theory of Value*, p. 214 ff.

With these considerations in mind, we present the following table of values, the reader to make use of the term, instinct or interest, as he prefers:

ORGANIC VALUES

Values		*Instincts (or Interests)*
Bodily		Hunger, Sex
Economic	Property	Acquisition, Bodily Activity and Expression
	Labor	
Recreation		Play

HYPER-ORGANIC VALUES
SOCIAL

Values	*Instincts*
Association Values	Gregarious instinct
Character Values	Sympathy
	Self-assertion, Self-abasement

HYPER-ORGANIC VALUES
SPIRITUAL

Values	*Instincts*
Intellectual	Curiosity
Esthetic Values	Play (?)
Religious Values	Religious Instinct
	(Reverence?)[1]

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[1] Reverence is generally recognized as not simple, but as the result of a complex of instincts or impulses.

SELF-REALIZATION AND THE ORGANIZATION OF VALUES

It goes without saying that the ideal of self-realization, as we have defined and developed it, implies and requires the satisfaction of all these tendencies, or the realization of all these values. Self-realization is in one sense but a blanket term for the complete energizing of all man's capacities. The actual truth, however, is that it is only an ideal, in the sense that it describes only a direction in which man's conscious activity may be directed. There is no such thing as total self-realization, realization of the self all at once, or in one act. Life is a process, by its very nature a series of choices. It is of necessity a sacrifice of one value for another. It is only in youth that we believe in infinite possibility—that we can be anything we want, and all things at once.

It follows that, as we have seen, the very process of self-realization involves the putting of these goods of life in some sort of order. It becomes then merely the question of the right order. Even in *any* table of values there is, as we have seen, some kind of order. We have indicated also that the order or system of values developed out of this natural order, represents that which is normal to the valuing life of man and corresponds to what is common sense in values. We must now attempt to discover the principle or principles which determine these preferences and thus constitute the normal order of human values.

PRINCIPLES OF ORGANIZATION. LAWS OR NORMS OF VALUE

There are three principles which are generally recognized as present in determining our choice or preference among goods or values. In general, intrinsic values are rated higher than instrumental or extrinsic; permanent values higher than transient; productive higher than unproductive. It is our task now to attempt to show (1) that these principles are inherent in the nature of value and (2) that their application to the groups of values we have distinguished results in the order that we have shown to be *normal* to the valuing consciousness of men. In fulfilling this task we shall at the same time be enabled to develop further the meaning of the classes we have distinguished.

Starting with the bodily values, it is not difficult to see that these values, and the economic values of property and labor that derive from them, are primarily instrumental rather than intrinsic. In the case of the economic values there can be no doubt. Economic goods are valuable only as the means of realizing bodily values and ultimately the other values, social and spiritual, that supervene upon them.

In the case of the bodily values there may be some question as to whether they are not goods in themselves. The satisfaction of the instinct of hunger is indeed accompanied by a pleasurable state of consciousness which may easily appear to be an intrinsic good, especially after we have been denied its satisfaction for a considerable time, and certainly starvation may seem to be an intrinsic "bad." But after all, there is fundamental wisdom in the saying that we "eat to live, not live to eat." If we follow thought to its conclusion, we cannot escape the inference that, after all, the pleasures of the table cannot be made an end in themselves without a perversion of values. The same is true of the other bodily values of sex and recreation. It is doubtless true that, as we shall see, both men and women speak more frankly of the "physical satisfactions" of sex as part of love, and there is doubtless an intrinsic element in these satisfactions. But the distinction between lust and love is ingrained in the experience of the race, and sex relations between men and women are recognized as losing a large part of their value unless they are instrumental to the realization of personal values also. Play has value in itself, but it also is mainly instrumental, in the sense that it is a means of recreation of bodily and spiritual functions. No one but the veriest puritan would deny some intrinsic value to play, but its chief function is, after all, as is almost intuitively recognized, to keep us "fit." In any case, play as an end in itself is pretty definitely recognized as a perversion of values.

The application of the second principle brings out the subordinate character of these values even more clearly. We need not here inquire why man seeks the permanent, the durable satisfactions of life rather than the transitory. There can be little question also as to where human experience has taught us that the more permanent values are to be found. The senses soon weary and cease to respond with pleasure to repeated stimuli, whereas the ideational activities are capable of comparatively long and unwearied exercise. Unless our life becomes filled with ideal content, unless it turns more and more to the values of association and character, and ultimately to the more permanent values of the mind and spirit, it is likely to be made up of long periods of boredom and weariness between the more intense sensuous gratifications. The bodily values, and the economic goods which are necessary instruments in securing them, are all indispensable conditions of life and ultimately of the good life. As such, they are always the primary objects of man's desire. But they can not be made ends in themselves, or the permanent objects of man's conscious will, without initiating that self-defeating process of which the hedonistic paradox is the classical expression.[1]

The choice of the productive rather than the unproductive values constitutes still another principle of organization. It is characteristic of merely instrumental values that they are used up in the process of being used. This is the law of material things, but it is also more or less a law of the bodily values which the material things produce. In contrast to these, the hyper-organic values are progressively more and more productive, both for the individual and for the society of which he is a part. Especially do the spiritual goods of knowledge, art, and religion escape the law inherent in all material things; they multiply in distribution and suffer no loss in division. To share these things with others is not to impoverish one's self, but rather to increase one's own store. Goods of this sort are not only over-individual, but they transcend the boundaries of nations. The more common and universal they are. the more productive they become.

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[1] Chapter IV, p. 89.

These three principles serve to explain the quite general subordination of bodily and instrumental values to the "higher" values of human association and character and to the over-individual values of knowledge, beauty and religion. They explain also, I think, the equally general subordination of the "social" values to the "spiritual." Associations of various kinds, between man and man and between man and woman, those which we describe as love, friendship and community of interest in common ends—all these are more intrinsic, more permanent, and more fertile in creation of new values than are the merely bodily or instrumental goods. But even these have their limitations. The human self is indeed a social self, and for this reason his relations with others are, as it were, his very nerves and sinews. But in a sense also he is over-social in his interests, and the common good which transcends distinctions of the self and the other is the source of his most permanent as of his most fruitful joy.

THE MEANING OF THESE PRINCIPLES

These three principles of value, which we have now seen at work in the process of ordering the goods of life, are in the first place maxims of practical wisdom. The man of mere common sense would normally recognize in them guiding principles which are more or less present in the ordinary activities of daily life. To sacrifice the durable satisfactions of life for the transient, the goods that are sterile for those that have in them the capacity of their own multiplication, to lose sight of the ends of life in concentration on the means—are all felt to be the signs of folly, to be, as it were, practical fallacies characteristic of the unenlightened will. To be sure, there is in us that which says that "it is not wisdom to be only wise." There are times when any kind of calculation seems mean—when concentration on the immediate, the mere means of life and the apparently useless and unfruitful, appear as signs of the larger mind. But these exceptions but "prove the rule" and cannot be erected into a principle. In any case, the wisdom of life, among all peoples and in all times, has expressed itself in maxims of this kind.[1]

These principles are then maxims of practical wisdom. But they are more than that. They are *laws of value,* that is, they are ways by which we determine the higher and the lower, the greater and the lesser good. Even Bentham, who found the *locus* of value in the pleasurable state of consciousness as such, formulates similar laws for the determination of our choices among pleasures. Now even if we think of human good as "happiness," reason leads us to choose the intrinsic over the instrumental, the durable over the transitory, and the fruitful over the unfruitful. But just as we find in the notion of self-realization a more adequate conception of ethical value, so we find in the concept of degrees of self-realization a more adequate interpretation of this hierarchy or scale of human values.

Realization we found interchangeable with functioning, and it is in the energizing of the functions of man that are found the veritable goods or values of human life. But the functionings are part of the man himself—they constitute in themselves the realization or perfection of the self. The self is, however, more involved in some types of functioning than in others, and for this reason the element of self-realization is present in greater degree on the higher levels of value than on the lower.

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[1] In his famous philosophical work, *On Life,* Tolstoy has collected maxims from the highest wisdom of all peoples and all times which illustrate these principles.

The standard of value expressed in this system of values may then be stated thus. That value is highest which contributes most to the coherent functioning of our life or experience as a whole. From the standpoint of our interests, tendencies or functions, those values are highest which correspond with the highest degree of integration of our interests and functions. From the standpoint of objects of value, those objects are highest which contain in them the greatest potentiality of bringing about this integration. The standard of value is found then, not in degree of happiness, but in the functional conception of total self-realization.

FURTHER COMMENTS ON THE HIERARCHY OF VALUES

There are two additional comments which should be made on this table or system of human values as now developed. They are aspects which will be found to be of considerable importance in later connections.

The first is that such a system furnishes norms of action, principles of choice. We have only to see and acknowledge the right order of values to be under the obligation to choose according to that order. There is, so to speak, what the philosophers call an *a priori* relation between value and obligation, that is a relation that is both universal and necessary. The proposition that the good ought to be chosen rather than the bad, as also that the greater good should be chosen rather than the lesser, is axiomatic. No reason can be given for this other than the fact that the opposite is repugnant to reason and can not be given an intelligible meaning, or, as the philosophers used to say, "can not be conceived."

This principle of choice has been expressed in the proposition that "every action is right which in the presence of a lower principle follows a higher." The essence of right is the choice of higher values over lower. It is, we shall find, the only principle ultimately applicable to the determination of one's duty in a specific situation. (Chapter XI.) This principle cannot, to be sure, be applied "mechanically." We cannot say that hyper-organic values should always be chosen over organic, personal values over bodily, etc. There are conditions when this does not hold. The bodily values, for instance, although lower than the values of character, are nevertheless absolutely basal and fundamental to life. As there are situations when "self-preservation is the first law of life" so there are situations where what we call bodily values take the precedence of all others. But such exceptional situations do not alter the general rule.

The second point is that, in considering the facts of this system of values, we have a clue, if not to the whole meaning of the "bad," still to an important part of it. We have before us an order or system of human goods, and in general human behavior directed towards the realizations of these goods is good or right conduct. In general also, human behavior that militates against the realization of these goods is bad.

But this is not the whole of the story. It is possible that any one of these goods may in turn become a bad under certain circumstances. We speak of people "choosing the better part." And much of evil consists in choosing the lower when we know the higher. The satisfaction of any need or want is in so far for a good. It is a form of functioning, or realization, and other than this we can give no meaning to the "good." But just because there is an intrinsic, a right, order of values, perversion of this order constitutes the bad.

This principle of the relativity of evil is generally recognized in some form by all ethical thinkers. The idea of absolute evil—of evil in itself—is extraordinarily hard to maintain rationally. Dirt has been defined as "matter out of place" and *moral* dirt may be thought of in much the same way. Any functioning of the life process, as we saw in the case of the egoistic and altruistic impulses, is in itself morally neutral. It gets its quality of good or bad from its relation to other functionings. The physical satisfactions of sex are a natural good, and as such morally neutral, but in a perverted scale of values they may become evil, and their enjoyment a vice.

HUMAN VALUES AND THE LAW

We have now explored the field of human values and attempted to formulate the principles by means of which their relative value, their order in a system of values, is determined. Our treatment thus far might give the impression that all this is "theoretical," and does not correspond to the practical facts of life. Need it be said that this would be a serious error? Theory there has of course been, for without theory no explanation or interpretation of the facts of life is possible. But what theory there is has been built directly upon the facts of human valuation and develops directly from them. The test of any theory, however, is that it may in turn be made fruitful for further explanation and interpretation. We propose, therefore, to test our system of values by comparing it with the system of values presupposed and embodied in the law.

The general relation of law to morals has already been defined. Law presupposes ethics, and is concerned with the realization of the *minimum* of morality necessary for the life of man in society. In terms of our present discussion, it may be defined as an instrument for the protection and furtherance of human values.

First of all, then, laws exist for the protection and, in some cases, for the furthering of all these human values. In other words, the various goods, bodily, economic, social and spiritual, are all recognized as indispensable conditions of the moral life of man, and are as such protected. Back of them are recognized fundamental needs of man, as man, which must be realized if the individual shall realize himself, and if society is to continue and develop satisfactorily. To these values correspond claims or "rights," as they are called, which it is one of the chief functions of law to uphold and protect.

In order to make our present point it is not necessary here to go into the important question of the ethical basis of human rights. It is enough that for every fundamental value law recognizes a right, and laws are made for their protection. The right to life itself, as the most fundamental of all rights, to bodily security, the right to the holding of property when it is acquired—and more and more the right to labor as an indispensable condition of life—have increasingly established themselves in modern law. There is also the right to free marriage, within certain restrictions, and a right to leisure and recreation, as more and more implied in modern legislation governing the hours of labor and protecting the right to play of children.

The values of the second level are similarly recognized in law. The free association of the individual with his fellows is implicitly acknowledged as an indispensable condition of his self-realization. Freedom to marry and to form a family, to form contracts and associations with our fellows—to further common interests, whether they be the acquirement of property or the protection and furthering of the interests of labor—or, finally, to form voluntary associations for the pursuit of the cultural interests of men, is carefully guarded. The right of free assembly, for social and political ends, has come to be viewed as an inalienable right of free moral beings. The acknowledgment of character values by law is expressed in the laws against libel and slander, and the rights of the person in general are protected by numerous laws, especially those governing legal separation and divorce. Even the much abused and oft-derided laws which enable individuals to recover for "alienation of affection" and the consequent humiliation of the person, are genuine, although clumsy, recognitions of these higher values of men.

Finally, the values of the third level are also acknowledged by law and their conservation and furtherance sought. The rights to free education and freedom of worship, only lately acknowledged in the development of the race, are, of course, partly the result of purely utilitarian considerations and practical necessities. We say that a man cannot be a good citizen without a minimum of education and that a democracy is impossible without an educated citizenry. But he understands poorly the development of modern education who does not see that the ideal that has controlled it —and the laws which provide, often by compulsion, that every child shall receive an education—proceed on the assumption that such education is the indispensable condition of self-realization, and that the *right* to such education is a moral right which springs out of its intrinsic values for the individual. The same is true of freedom of worship. Established in modern civilization, partly as the result of the dire civic and political evils that arise out of compulsion, it nevertheless rests, in the last analysis, on the belief that religion contains values for the individual; and that these values are realizable only when the functions that underlie them are free. Esthetic values are more precarious so far as the law is concerned. But even here, there are laws—laws that seek, at least negatively, to protect us from extremes of ugliness; and so far as education is concerned, induction, to a degree at least, into the esthetic values of the race, is considered part of the individual's privilege and right.

We have now shown how all the fundamental human values are embodied in laws—how close, in other words, the legal order is to the moral order. But the relation is more far-reaching than this. Law also embodies, roughly at least, the scale and the principles of value developed in the preceding paragraphs. In the second of his lectures on the Carpentier Foundation of Columbia University, Judge Benjamin N. Cardozo, a distinguished jurist, brought out this point most clearly.[1]

He pointed out, first of all, the dependence of law on ethics, showing that legal concepts, when divorced from ethics, tend to become tyrants and fruitful parents of injustice. But he made it clear also that when conflicts in the law take place, the resolution of these conflicts always indicates that a certain scale of values is presupposed and certain principles of precedence acknowledged.

In general, we are told, moral ends take precedence over economic and economic over esthetic, moral ends meaning here, as the context indicates, the values of life and of the person. In other words, law tends to put the rights of personality above the rights of property. To this rule, he admits, there are numerous exceptions. We build skyscrapers, although smaller dwellings might be safer for the builders. We experiment with airplanes, although pilots run the risk of death. Yet even in these cases indifference to moral values is not as clear as it may seem upon the surface, as moral or cultural gains are often indirectly served or will be in the years to come. The law will not prevent the erection of skyscrapers, but it may call for safety devices that will reduce the toll of lives.

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[1] *The Paradoxes of Legal Science*, pp. 56 ff.

It would be far from true to say that our law, in its development, explicitly embodies the scale of values normal to morals, or that the courts uniformly bring this scale into play in all their judgments. It is true, however, that progressively more and more personal and social values are put above the values of property, and more and more what we have called the spiritual values are furthered and conserved. One may even hazard the supposition that the tendency for economic values to take precedence over esthetic is not so absolute as at first sight appears. There are signs at least that ugliness is coming to be recognized as a social evil, and that the subordination of temporary economic demands to the more permanent esthetic needs of men is beginning to express itself even in our legislation.

RESPECT FOR LAW

It is out of this relation of law to the system of human values which we have been describing, that there springs that "respect for law" which characterizes all thoughtful people. Such respect for law is due not to any thoughtless formalism, but arises out of a sense of its close relation to the moral law within which, according to Kant, calls forth our deepest reverence. On this very question of respect for law there is much fallacious thinking at the present time. It is repeated parrot-like that "you cannot make men good by law," and in a sense this is of course true. Goodness, in the moral sense, is autonomous and must spring from the law within. On the other hand, in order to do the right men must know the right; and law, embodying as it does the ethical *minimum* necessary to the maintenance of the good life, is the first, if not the final, teacher of morality. The same thinkers who condemn the externality of law will, curiously enough, speak of social control through science. The only social control that is either practicable or desirable is that which comes about through consciousness of values, and of the significance of the law in which these values are embodied.

CONCLUSION

In concluding this chapter we may profitably look back for a moment to the beginnings of our ethical studies, and then cast our minds forward to the applications yet to come.

Our study of the relation of law to human values has shown us that the law not only embodies the "minimum of morality," but that it enshrines in its structure the entire system of human values. In making this clear we have justified beyond cavil the principle with which we started, that there is a large measure of general agreement on the more fundamental distinctions of right and wrong, good and bad, and that these agreements or conventions, as embodied in common sense and law, constitute the starting point of ethics.

In the second place we have now given practical meaning to, and filled with content, the principle or ideal of total self-realization. We saw that such conceptions as perfection or self-realization are vague and useless until they are thus defined and made concrete. We have now shown what total self-realization concretely means.

In the third place, the system of human values gives us the key to the solution of the practical problems of moral. The questions, what ought I to have, what ought I to do, what ought I to be—those problems which ethics have always considered under the heads of the rights, the duties, and the virtues of men—can only be answered from the standpoint of a true understanding of human values. To the study of these more practical problems of morals we shall now turn.

HUMAN VALUES.

- * W. G. Everett, *Moral Values*, Chaps. II, VII.
- H. W. Dresser, *Ethics in Theory and Application*, Chap. II.
- C. Bouglé, *The Evolution of Values*, (trans.).
- E. Spranger, *Types of Men*, (trans.).
- * J. H. Dunham, *Principles of Ethics*, Chap X, (The Laws of Value).
- B. Bosanquet, *Some Suggestions in Ethics*, Chap. III.
- W. R. Sorley, *Moral Values and The Idea of God*, Chap. II.
- J. Laird, *The Idea of Value*, especially Introduction and Chaps. IX and X.
- W. M. Urban, *Valuation, Its Nature and Laws.*

HUMAN VALUES AND INSTINCTS. (PSYCHOLOGY.)

- * William McDougall, *Introduction to Social Psychology*, 8th Edition, Chaps. III, IV, XIV.
- F. H. Allport, *Social Psychology*, Chap. III.
- J. Drever, *Instinct in Man.*
- L. L. Bernard, *Instinct.*
- * R. B. Perry, *General Theory of Value*, Chaps. VI, VII, VIII.

HUMAN VALUES AND THE LAW.

- Columbia Associates, *Introduction to Reflective Thinking*, Chap. XI.
- G. C. Cox, *The Public Conscience*, (for illustrations see Index).
- F. Pollock, *Jurisprudence and Ethics.*
- Roscoe Pound, *Introduction to The Philosophy of Law.*
- B. N. Cardozo, *The Paradoxes of Legal Science*, (especially Chap. II, on Values).

CHAPTER IX

THE NATURE OF HUMAN RIGHTS AND THEIR PLACE IN ETHICAL PHILOSOPHY

HUMAN VALUES AND RIGHTS AND DUTIES

All practical questions of morals can be put under three general heads: What ought we to do? What ought we to have? What ought we to be? To these three questions correspond the three fundamental notions of ethics, namely Duty, Right and Virtue. A complete answer to the question, what ought I to do, would be some sort of list of the fundamental duties of man, summarized perhaps in what our fathers called "the whole duty of man." An answer to the second question, what ought I to have, would result in some table of human rights, which might for political purposes be embodied in what our fathers called a "bill of rights." An answer to the third question, what ought I to be, would result in some picture of the "virtuous man," of whom our fathers, much more than we of the present, were fond of discoursing. Any treatise on ethics must, in a sense, be an answer to these three questions. We, no more than our fathers, can escape answering them, although the form of our answer must inevitably differ in some respects from theirs.

These three notions are then fundamental concepts of ethics, for the reason that they afford the most important points of view from which every human action and relation may be valued ethically. But all three are subordinated to a still more fundamental and ultimate conception, namely that of the good, or value, itself. Hitherto we have devoted our attention chiefly to the study of this fundamental concept and to the development of a system of human values. In the development of that system we have, indeed, already seen how the three notions of rights, duties and virtues are immediately implied in the values themselves, and how the minimum of morality embodied in law recognizes rights and duties in connection with all the values. Our task is now to study the fields of rights and duties in detail, and with this we enter upon the field of practical ethics.

THE PRIMACY OF THE NOTION OF RIGHT

Of these three concepts which is the more fundamental? Our choice here of one of them as the starting point, determines in a sense the entire character of the rest of our ethical thinking. Duty, or obligation, is the central concept of formalism, we have seen, and must indeed be of any morality that makes the concepts of universal law and obedience to it central. In so far as the subjective reference of morality is concerned, this is doubtless the proper emphasis. The warning to think more of our duties than of our rights, is not only timely, but one that we need always to take to heart if our entire lives, as moral individuals, are not to have a wrong perspective. Again the pedagogical aspect of morals, which is uppermost in social control of whatever kind or type, requires emphasis on duty. But when we turn from the subjective to the objective, from the personal to the more social, aspect of morals, it is the conception and ideal of human rights that inevitably gets our first attention. It is scarcely possible to know what our duties are until we know what is *due* to others, what they may rightfully claim of us—in short their rights. Even Kant, who put the primary emphasis on duty, laid down as the chief maxim of morality that we should always treat others as ends, never as means to ends, and in that was involved the idea of the primacy of rights.

The central place of the concept of rights in a system of ethics appears from another point of view. Historically viewed, emphasis upon duties is characteristic of static and conservative periods of society. A feudal system, for instance, whether European or Japanese, is, so to speak, organized about a system of duties, or loyalties; and duty is inevitably the central conception of such a system. Emphasis on rights, on the other hand, is characteristic of periods of change or reconstruction, of moral discovery, such as, for instance, that of the French Revolution. The magnification of duty presupposes a relatively stable and satisfactory social order, while the magnification of rights invariably signifies new insight into the nature and possibilities of man and a certain moral enthusiasm which results. Such changes in emphasis are constant characteristics of the historical social process. The fact that the recent centuries of western European civilization have been in the main a "progressive" period, has inevitably made the problem of human rights the center of political and ethical reflection.

"THE RIGHTS OF MAN"

We may well understand, then, why it is that the shibboleth, "the rights of man," has always fired the imagination and enthusiasm of all generous souls. It is an ideal that has also called out the deepest loyalty and devotion. But like so many general notions of this type, it is a term easier to appreciate than to define.

The chief difficulty arises through a confusion of the ethical and legal notions of right. When people say that they have a *right* to beauty, to be or to express themselves, there are hard-headed folk who have nothing but contempt for such "sentimental rot." When these same "sentimentalists" go on to talk of the right to labor or even to a living, when they talk of the rights of the children to play or the rights of animals, the contempt of the hard-headed often passes into bitter opposition and hate. The reason for this serious divergence of opinion is that the two different kinds of people are thinking of two quite different notions of right. The hard-headed, practical people are thinking of legal right, of moral right as it has already been embodied in law. The more "idealistic" are thinking of right in an ideal ethical sense, namely of what ought to be—in the sense of bringing about the conditions necessary for the greatest human happiness or the highest self-realization, however the ethical end or good may be defined.

This distinction between legal and ethical right may be made clearer by an illustration. There is none better than the famous Dred Scott decision of the United States Supreme Court. Certain ethical "idealists," especially members of the Society of Friends and the abolitionists, thought that the negroes were human selves and ought, therefore, as selves, to be free. They put their belief into practice by helping, through what was called the "underground railroad," escaping slaves to reach freedom by secretly passing them along from point to point in their journey north. The owner of Dred Scott, one of the fugitive slaves, made a legal issue of the matter, which was ultimately carried to the Supreme Court of the United States. The decision of that court was that Dred Scott should be returned, and the decision was based upon the principle that the fugitive slave was property, and that those who helped him to escape were alienating property without due process of law. In the existing state of the law no other decision was possible, and it required a war, as it has often in the past required revolutions, to bring "legal" into harmony with "moral" right.

This divergence, and ultimately conflict, of ethical and legal right, though real, should not be exaggerated. We have seen that, despite these divergences, there is a very real convergence and harmony. There is no single value of human life, from the lowest bodily to the highest spiritual value, that does not receive some recognition and protection in the law, in connection with which some right is not acknowledged. The divergence here, as in the case of divergences of moral judgments from the norms of common sense, have to do not with principles so much as with applications.

THE NATURE OF ETHICAL RIGHT: DEFINITION

Let us now consider the nature of ethical right. A man *feels* that he has a right to many things and many forms of activity: the right to life, to liberty of action and thought, to use the things he has acquired through his own labor, to the normal enjoyment of his powers and capacities.

First of all, then, we *feel* that we *have* a right. This feeling is shown primarily, in the violent resentment which any infringement of a man's rights, any inhibition of his free existence and activity, arouses. It is, in the first instance, the feeling of his own self-hood and reflects the fundamental drive to self-affirmation. But there is another aspect that must not be overlooked. It also expresses itself in the form of a positive assertion of *the principle of right for its own sake*. In asserting his rights, a man frequently insists that it is not the value of the thing, but the *principle* that is at stake. Is thy servant a dog, to be treated thus? You would treat a horse better than me, a *human* being! The workman protests against labor being treated as a mere commodity, to be bought and sold, against the speeding up process in industry that reduces man to a mere machine.[1]

It is a mistake, therefore, to look upon the insistence upon a right as mere egoism or self-assertion. The sincere expression of a human right is always in the name of an ideal of humanity, of personality, of an over-individual good. It implies normally, as in the cases cited, a protest against treating man as a means rather than as an end, against the application of the merely mechanical or organic categories to man. In fact, far from being an expression of egoism, the assertion of right, when its implications are examined and understood, is fundamentally an assertion of the social nature of man.

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[1] The violent resentment, in some quarters, against the prohibition laws is a case in point. In many instances it has, doubtless, a purely personal and egoistic flavor, but in many also it is clearly an honest expression of this more universal quality.

Human right, in the sense here described and analyzed, is "natural," axiomatic, self-evident, not needing any proof. The reason for this is that it is simply another way of stating the fundamental principle of ethics and ethical value. To say that the ethical end is self-realization is to say in the same breath that *ethically* we have a right to the *means* of self-realization. As Hoeffding has said, "just as by the inherent logic of action our world of values becomes a world of duties, so by a similar logic a world of values becomes a world of rights." That this is so, and also the degree to which the fact is recognized, even by law and by the conception of legal right, we have already seen in the preceding chapter.

Without further preamble we may proceed then to a definition of ethical right. A moral right is a claim implicit in and deducible from the moral end of man as a member of society. Or more briefly still, we have a right to the indispensable conditions of the moral life, to the values that are implied in total self-realization—always remembering that the moral life is a life of a person, and of a person whose nature is such that his own good or value cannot be divorced from the goods or values of society. Bosanquet has stated the matter in this form: "We have a right to the means that are necessary to the development of our lives in the direction of the highest good of the community of which we are a part." [1]

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[1] B. Bosanquet, *The Philosophical Theory of the State.*

THE CLASSIFICATION OF RIGHTS

In view of the nature of rights as now defined and described, it is clear that a table of rights is in principle identical with a table of human values, and that the same principles that determine the higher and lower values also determine the relative importance and significance of human rights. That this is to a degree at least true we have seen in our discussion of the preceding chapter. We shall not develop this aspect of the question further at the present time, but shall rather use another principle of classification which will serve still better to bring out the relation of ethical to legal right and in general of law to ethics.

From this point of view, rights are quite generally divided into three classes: (1) Natural or Moral Rights; (2) Civil Rights; (3) Political Rights. Under the head of natural rights the attempt is made to group all those claims which the individual is held to have by virtue of his nature as a moral being. Under the head of civil rights are grouped all those claims which an individual is held to have by virtue of his membership in a civil society. Finally, political rights include all those further claims which an individual may make by virtue of his membership in a State or political order.

As regards the objects of moral or natural right, it is usual to name three fundamental kinds: the right to life, the right to liberty and the right to property. This division appears in the three fundamental verbs, to be, to do, and to have. These are sometimes called *physical* rights, to which are then added certain rights to *mental* activity, such as freedom of thought and of affection, freedom of education and of worship.

The fundamental civil rights are chiefly two: freedom of contract and the right to use the courts, to sue and be sued. To these should be added the right of "free assembly," and to form voluntary associations for the furthering of individual and group ends. The right of free contract is widely inclusive, embracing the right freely to contract one's labor, to enter into partnerships, and, from the social and legal point of view, the contract of marriage. The right to form voluntary associations is almost equally wide reaching, including among other things, as now established by law, the right of labor to associate or form unions in furtherance of its ends. Civil rights of the sort described are zealously guarded. Civil liberty leagues are constantly on the watch to prevent their violation and free legal service is afforded to those whose civil rights are put in jeopardy.

The fundamental political rights, at least in modern democracies, are the right to vote and to hold office. Moral and civil rights may be accorded individuals when political rights are still denied. Until recently a large part of the adult populations of the world, namely the women, were in this position. As human beings, they were accorded the rights to life, liberty and the acquisition and protection of property, together with the rights to mental activity already described. As citizens, they were accorded rights of contract and voluntary association. But political rights were denied, chiefly on the grounds that they were incapable of discharging the specific political duty of bearing arms in defense of the State. For reasons into which we need not go here, these political rights have also become practically universal since the World War.

In the present connection we shall consider only the fundamental moral rights. Not that the others are not ethical—they are essentially so and would have no meaning otherwise—but rather because they get their meaning from the moral rights which they presuppose. They may be conceived of as *extensions* of the fundamental moral rights. Civil rights are such extensions in the sense that they afford protection to the moral or natural rights. Political rights are instruments or devices for securing conditions favorable to the exercise of the moral rights. In the words of Dewey and Tufts, they "express an individual's power and obligation to make effective all his other capacities by fixing the social conditions of their exercise."[1]

THE DOCTRINE OF "NATURAL RIGHTS"

Human right, we have said, is, in a sense, natural, axiomatic, self-evident, not needing any proof. Such expressions as these have uniformly been connected with theories of morals quite opposed to that which we have been developing in the preceding chapters. The ideas for which these expressions stand have ordinarily been bound up with formalistic and intuitionist theories of the good and with individualistic theories of the self, which we found it necessary to criticize. Yet there is a sense in which these old expressions contain an important element of truth. Our first task, therefore, is to examine critically the doctrine of "natural rights" in its formalistic and intuitionist form.

The formalistic or intuitionist view is well expressed in the *Virginia Bill of Rights*. "All men," we are told, "are by nature equally free and independent and have certain inherent rights of which, when they enter into a state of society, they cannot by any compact, deprive or divest their posterity, namely the enjoyments of life and liberty, and the means of acquiring and possessing property and pursuing and obtaining happiness and safety." This doctrine of *inherent right* is sometimes called the "substantive theory of rights." Both its practical import and its theoretical significance were well illustrated by Miss Jane Addams' appeal to it in her protest in the Bollenger baby case.

Our general position with regard to this doctrine has already been made clear in our criticism of formalistic ethics and in our conception of the relation of the individual to society. But a further consideration of the doctrine is necessary if we are to get an adequate notion of the nature of ethical right.

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[1] Dewey and Tufts, *Ethics*, p. 474.

The discussion turns upon the expressions, "have by nature" and "certain inherent rights." Unfortunately both terms are highly ambiguous. "By nature" may mean inborn or innate in the sense of *existing* in some way in the individual prior to his entrance into a state of society, or as abstracted from the social whole of which he is a part. In this sense the notion is, of course, wholly untrue. It is untrue historically for two reasons that are now entirely clear. Innateness is a biological concept, and the sciences of biology and psychology are both agreed that the only things that are inborn in this sense are a very limited number of primitive organic drives. The non-transmissibility of acquired characters was appealed to as showing the impossibility of explaining the origin and development of moral sentiments, and it is applicable *a fortiori* here. Again, history makes it clear that human rights are acquired. There is not a single right, even the fundamental right to life itself, which has not been worked out in the blood and sweat of the centuries. The doctrine of innate right in this sense belongs to an unhistorical conception of society that is a thing of the past.

But "by nature" may have another meaning. It may have reference to the *ideal* nature of man. It may simply be a way of expressing the fact that these rights spring logically, or better teleologically, out of the ideal nature of man, or his ethical end; in other words that from a system of human values follows necessarily a system of human rights. In this sense the doctrine of natural right has an intelligible meaning and is essentially sound. "Man only partly is, and wholly hopes to be." His nature is as much determined by his "ideal" as by his "actual" self. A claim implicit in, and deducible from, the moral end of man is as much a part of his nature as is a biological instinct or tendency. Properly understood then, the idea of rights that are "by nature" embodies significant truth.

The second ambiguity in this doctrine is connected with the notion of *inherent,* found in the expression "certain inherent rights." The philosophical notion underlying this is that the individual man is a substantial entity and that rights inhere in him as qualities inhere in an object or thing. Just as gold is said to be a substance in which the qualities of yellow, malleability, and a certain specific gravity inhere, so the individual man is an entity in which certain rights similarly inhere as attributes.

This "common sense" notion of substance and attribute is, as we have seen in an earlier connection, a very old part of the intellectual furniture of man. Used first in connection with physical things, it is only natural that it should persist when we are dealing with mental and moral things. It was, in fact, owing to this transference that formalism in one of its most ancient and most persistent forms arose in ethics. We have also seen, not only that this analogical transference was unfortunate, but also that even in the physical world we no longer think of the qualities of things as inherent, but as functional relations. The yellow of the gold is a function of the refraction of light by the texture of the material, its specific gravity a function of the relation of the mass of the gold to the mass of the liquid in which the gold is placed. In short, the notion of inherence has given place to that of function. A similar change has taken place in our conceptions of human rights. They are no longer thought of as attributes or qualities inhering in individuals conceived apart from their social relations, but rather as claims or expectations growing out of these relations. The rights of men express, then, the legitimate expectations growing out of the functional relations of the individual to the social whole.

THE TRUTH IN THE THEORY OF NATURAL RIGHT

The general trend in the philosophy of rights is, accordingly, towards a functional rather than a substantive theory. But this fact should not blind us to the element of truth that still belongs to the conception of rights as "natural." These rights are not natural in the sense that they are inborn or belong to man as a part of physical nature. But, as claims implicit in and deducible from the moral end of man, they are part of his very nature as a moral being. As such, they may be said, by a figure of speech, to inhere in him as a moral being. Historically viewed, there is not a single right, even the most fundamental right to life itself, that has not been acquired. No right belongs to man "prior to his entrance into a state of society," because actually there never was a time when man was not in a state of society. They are inalienable, not because they have an existence apart from society (for they have no historical actuality except as they are acknowledged), but rather because they are indispensable conditions of self-realization and are thus inseparable from the conception of the moral self.

This situation has often been expressed by saying that the doctrine of natural rights is a "logical" rather than a historical theory. We may express the same truth by calling it a normative rather than a descriptive theory. The theory of natural rights is a doctrine of norms.

THE SOCIAL NATURE OF RIGHTS

Closely connected with the development of functional theories of rights, there has inevitably been a drift towards social rather than individualistic, and towards relative rather than absolute, conceptions of rights. When a right ceases to be thought of as inherent in an individual person, but rather as somehow implicated in the ideal of humanity, the more social and universal aspect of the problem becomes more and more emphasized. Similarly, when a right is seen to be historically developed and conditioned, it is inevitable that it should be thought of as relative, not only to the historical institutions with which it is connected, but also relative in the sense that it is not absolute.

The doctrine of natural rights was associated, in modern thought at least, with an intense individualism, which expressed itself in all fields of economics, morals and law. It was only natural that, as the Virginia Bill of Rights expressed it, such rights should have been conceived as existing "prior to man's entrance into a state of society." Thus the right of acquiring and possessing property, of which we shall have more to say in Chapter XII, was supposed to arise directly out of the fact that the individual "mixed his labor" with some purely material object, i.e., put some effort into the acquiring of it and thus made it his own. The right to the object *resided* then in the individual quite independent of any relation which the individual in question might have to others.

The individualistic theory of rights has an appearance of truth that is more than specious. In the first place, a right is, for the most part, individual in residence, that is the right is the right *of some individual.* It is necessary, however, to say, for the most part, and this limitation is itself of considerable significance in attempting to understand the nature of right. We constantly speak of such things as the rights of the unborn, of posterity, and such expressions have an intelligible meaning. We can scarcely mean, however, that such right or claim is exercised by any specific individuals, for such are not yet in existence. If, however, this may be in doubt, we may point to the notion of the rights of labor as a class, of nations, as in the expression "the rights of small nations."

Even from the standpoint of *locus* or residence of a right, rights are not exclusively individual. When, however, we look at them from the standpoint of their origin and function, their individual character immediately disappears. They are seen to be "social in origin and import."

In the matter of origins, anthropology leaves us in no doubt. The further back we go into the beginnings of society, the more we find that whatever vague feelings of claims or rights individuals may have, they are always feelings which they have by virtue of their membership in clans or tribes. These claims are sanctioned by custom, and in every case reflect the structure of the institutions in connection with which they are functional. A certain vague "right to subsistence" appears for instance to be generally characteristic of primitive peoples, but that claim seems also to be acknowledged as springing out of the individual's membership in the tribe rather than as arising out of his nature as an individual. In the most primitive peoples there is always some form of the family, some form of limitation and control of sex relationships. Out of these forms, whether maternal or paternal, invariably arise certain vague rights, however varied they may be. But here, again, these rights or claims are always felt as arising out of the membership of the individual in the clan or tribe, and not as in any sense inherent in the individual as such. The social import of primitive rights is not less clear than their social origin. It would doubtless be going too far to say that the anthropologist can show an element of survival value attaching to every claim acknowledged by a social group, but, speaking generally, it is entirely clear that the more or less consciously recognized claims of a member of a horde or tribe are directly related to the welfare of the whole.

The social nature of rights is clear when we view them from the standpoint of their origin and import in primitive peoples. It becomes even clearer when we consider the historical development of right. Even the fundamental rights—to life, liberty and property—are the result of historical development. None is original, but rather the result of a slow growth of a consciousness, on the part of society, of their import for the social life as a whole. It is, however, when we turn our attention to the civil and political rights, which, as we have seen, are in essence but extensions of the moral rights, that the social character of right becomes most evident. Rights such as those of free contract, freedom of speech and of education, although still individual in residence, are explicitly social in import, as well as in origin. It is true that freedom to enter into relations with others through contract, freedom to express one's thought in speech, and the opportunity to acquire education, are increasingly seen to be implicit in and deducible from the ideal of man, but it is also true that more and more these rights are seen to be the indispensable conditions of a progressive social life. Undue infringment upon these rights by a modern state does violence indeed to individual selfhood, but even more does it defeat the state's own ends in the long run.

In the light of these considerations, we may now recast our definition of rights, in order to bring out their social basis. We have, we have seen, a right to the means that are necessary for the development of our lives in the direction of the highest good. But this is only what has been called *subjective right*. In order that it may become objective right, and related to the notion of right as used in law, it must be defined from another aspect. For this purpose we may again take another definition of Bosanquet: "Rights are claims *recognized by society* acting as ultimate authority to the maintenence of conditions favorable to the best life."[1]

THE RELATIVE NATURE OF HUMAN RIGHTS

A natural result of this change from a substantive to a functional, and from an individual to a social conception of rights, is the further notion that rights are relative and not absolute.

This conception of the relativity of rights must be examined with great care because of the consequences, both theoretical and practical, that flow from it. There are two aspects to this relativity which we may describe as historical and functional.

The historical relativity of rights has reference to the changes in our notions of rights corresponding to the historical development of society. Even the so-called natural rights show this relativity. An absolute right to life is a meaningless conception for primitive peoples, among whom exposure of children, putting to death of the old and decrepit, and the right of life and death over wives and children are often, not merely parts of the *mores,* but even solemn duties. No one subject to these limitations of the right to life would think of questioning the salutary and righteous character of these customs. In the case of other rights, not usually called natural, such as marital rights, this historical relativity is even more in evidence. The claim of a modern man or woman to the affection of his partner, or respect for his or her personality, would simply not be understood by primitive people, while the rights of women under a matriarchal form are widely different from those under a patriarchal form.

The functional relativity of rights has reference to the way in which they are conditioned by the functional ends of the institutions in connection with which the rights appear. Rights are never absolute and unconditional. The conditional character of civil and political rights is generally recognized. The right to free contract, for instance, is limited and conditioned at certain very vital points and is held subject to public policy and the common weal. A man has, in general, the right to enter into business contracts, but if he contracts with a bootlegger to furnish him with capital for his enterprises, he cannot call upon the law to maintain any rights growing out of the contract, for the said contract, being against law and public policy, is *ab initio* null and void. A man may enter into contract of marriage with a woman. But if that contract contains the provision that the marriage shall not be consummated, there are no rights, on the part of either party to the contract, that can be maintained. Courts of law have already held that such a contract is null and void, for the reason that it contradicts the very intention of the institution in connection with which the contract is made, and is contrary to public policy. In other words, rights are not only social in origin and import, but are also relative to and conditioned by the ends or purposes of the institutions in connection with which the rights are exercised.

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[1] *Ibid.* p. 188.

THE LIMITS OF THE RELATIVITY OF RIGHTS

The functional and social theory is without question the only one consonant with a progressive and liberal interpretation of law and with the growth of the institutional life of man. It is also clear that such a conception involves the notion of the relativity of rights in the two senses described. This relativity may go far indeed—extending to the very right to life itself, as we have seen in the discussion of certain cases in Chapter II. The question inevitably arises as to whether there is any limitation to this principle of relativity and if so, where the limitation is to be found. Are there no absolute rights in any sense?

Justice Holmes has raised this question in an interesting article in the *Harvard Law Review*. He writes: "As an arbitrary fact, people wish to live and we say with varying degrees of certainty that they can do so only on certain conditions. But to say this is not to assert a hard and fast duty or right pre-existing. It simply means that if you don't live in such and such a way you will have to suffer the consequences." He cites the fact that society has no scruples in sacrificing the lives of its members in time of war and he recalls a very tender-hearted judge being of the opinion that closing a hatch to stop a fire and the destruction of a cargo was justified, even if it were known that doing so would stifle a man.

I have no intention of entering into a dispute with an authority such as Justice Holmes on the question of the philosophy of law. We may well admit that the right to life does not assert a *pre-existing* duty or right. But surely it asserts more than the mere arbitrary fact that people wish to live. It recognizes in that claim more than a wish; rather an ideal or *norm* that has quite another kind of reality than the merely psychological fact of desire. As to the conditions under which the scruples against sacrificing life may be violated—that also is a difficult question. Yet surely society is finding itself more and more beset with scruples in sacrificing its members in time of war; and the judge, however tender-hearted, who actually justified the sacrifice of a life to save a cargo would find very few who would see in that decision a reflection of the more enlightened conscience of the time. The point is this. Rights are indeed relative, both historically and functionally, and law, which is a historical product, reflects that relativity. At the same time, these rights thus historically developed, are more and more seen to be implied in and deducible from the moral ideal of man. To the extent that this is realized, they become more than historical and tend to achieve an absolute character. The philosophy of "natural right" is a doctrine of norms, not a description of historical fact.

THE RIGHTS OF LABOR. AN ILLUSTRATION

From the nature of human rights, as now presented, it is evident that specific answers to the question, what ought I or any other individual to have, can be found only in connection with the specific human institutions and the stage of the development of those institutions in history. In later chapters we shall examine the rights, as well as the duties, connected with two of the more important of the human and ethical institutions of man—namely the Family and Private Property. In the present connection it will be of advantage to illustrate these general principles of right by some concrete problem from the field of modern social and ethical discussion. We might choose for our study any one of a number of such problems, for instance the questions involved in such expressions as woman's rights, the rights of children, etc. I shall choose rather one much discussed in the last decades, namely the Rights of Labor.

It is first of all worthy of note that there is no reference to any right *to* labor or rights *of* labor in the "bills of rights" that grew out of the ethical and political thinking of the eighteenth century. This fact is, in itself, an indication of the historical and functional relativity of rights, in that the question of such rights had not yet arisen. It arose only when changes in the industrial life and institutions of men made unemployment a real problem. As the result of the industrial revolution, with the consequent separation of the individual worker from the instruments or tools of production, the concentration of capital with its resulting increased power of the employer to determine both the opportunity to labor and the conditions under which labor should be performed, there resulted a precarious condition of labor that immediately raised the whole question of its legitimate claims or rights.

The right *to* labor, as such, seems to be one of those claims, growing out of the ethical end itself, which is gradually being recognized by society, "acting as ultimate authority to the maintainence of conditions favorable to the best life." This recognition has not reached the stage of general legal acknowledgment, but the growing acceptance, on the part of society, of obligations to prevent wide-spread unemployment, has conferred upon this claim a quasi-political sanction.

The immediate causes of this change are doubtless, as is ordinarily the case, the actual pressure of economic conditions arising from a highly organized industry, and greatly accentuated since the war. It is a condition and not a theory that faces the modern State. On the other hand, it can hardly be denied that this gradual acceptance of the claims of labor has been accompanied, if not actually determined, by a process cf reflection of a distinctly ethical character. It is increasingly felt that the right to life itself is an empty form if it does not include the right to the opportunity to the labor necessary to maintain life.

The "right to labor" is embodied in few political instruments as yet.[1] But certain principles underlying the rights of labor have been thus specifically acknowledged. The proposition that "labor shall not be considered as a commodity" is an article in the part of the Covenant of the League of Nations devoted to labor, and is also embodied in the Clayton Act (1914) which exempted associations of labor from the application of the Sherman Anti-Trust law. The significance of the recognition of this principle is twofold. It is, in the first place, the denial of the principle of an earlier economics, that labor shall be viewed merely mechanically, or solely as an instrument of production, and, secondly, also the denial of the principle that the "iron law of wages," "supply and demand," should alone determine wages.

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[1] It is one of the pillars of a "Report on Reconstruction by the Sub-Committee of the British Labor Party," issued in 1918 under the title *Labor and the New Social Order*, and has been part of the platform of the Labor Party ever since. This report, which was published by the *New Republic* as a supplement, is worthy of study by the student from the ethical as well as the political point of view.

The rights *of* labor, as distinguished from the right to labor, is a term covering a vague, as yet undefined, field of ethical rather than legal claims. They include claims to a fair or just wage, to proper hours of labor, to protection of life and health in the prosecution of labor, and to various forms of compensation and insurance which may be lumped under the term "security." Many of these claims have been socially acknowledged by legal enactment. All illustrate the relative and functional character of rights. We shall consider here only one of these claims, namely the right to a fair or just wage. The problem may be put in this way: What constitutes the right of labor in the matter of wage, and how is that right determined?

The nature of the problem here involved is brought out clearly in the report of a dispute over wages in connection with a strike in the Chicago Stock Yards, in 1903, as reported in a daily newspaper of that time.[1]

"The cause of the first strike was wages. More particularly it was the wages of unskilled laborers. Under the agreement of last year, the packers had been paying 18½ cents an hour. Meanwhile the conditions of the labor market had changed. Hundreds of men were presenting themselves every morning to request an opportunity of working for 16 or even 15 cents an hour. The packers felt that it was unfair to require them to pay more than the law of supply and demand indicated.

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[1] Quoted from B. H. Bode, *An Outline of Logic*, pp. 98, 99, in which it is used as an illustration of reasoning.

"The argument offered by the union ignored the law of supply and demand. It based itself on living conditions. The average number of working hours provided for unskilled laborers during an average week was said to be about forty. Forty hours at 18½ cents make $7.40. No man, said the union, could live decently on less than $7.40. And the packers could pay $7.40 without seriously reducing their dividends."

It is evident that in the two preceding arguments each side is making an assumption. The assumption of the packers is that wages, as determined by supply and demand, are *proper* wages. The assumption of the union is that wages, as determined by living conditions, are *proper* wages. The actual practical settlement of a dispute of this nature can, of course, be reached only by compromise in which a certain element of truth or right is recognized in both claims. The important point for our consideration lies elsewhere: it has to do with the ethical question of what determines a just claim or right in the matter of wages.

It is important to note first, that both sides recognize that rights in the matter of wages are functional and relative, not absolute. There is no "right wage" for a certain job. If supply and demand are to determine wages, then the worker has a right to anything he can get. Even a fabulous wage is a just wage, although it might be out of all proportion to the labor given. On the other hand, if the determining principle is living conditions, then rights in the matter of wages are again functional and relative, and no wage, whatever the conditions of the industry or the market, is a just wage which does not afford a "decent living."

Which, then, of these two opposing principles is normative in determining the just claims of labor? There seems to be scarcely any question that the principle of the living wage constitutes the norm in the light of which actual conditions are to be judged, if we judge *ethically* at all, and thus determines the direction or the ideal towards which practice should work. The extent to which such a norm may become operative at any time or place in society is, of course, determined by actual economic conditions. The application of such a norm in a particular industry, or indeed in industrial life as a whole, is conditioned by technical knowledge which only the industrial and economic expert possesses. In a general way it may be said, however, that the opinion is growing that modern production is making the principle more and more possible economically, some economists holding that we need no longer talk of a mere "living wage," but, without undue idealism, of a "cultural wage," namely of a wage that will make possible not only the indispensable conditions of life, but also of the good life, in the sense of the cultural conditions necessary for self-realization. In any case, the wide-reaching changes taking place in connection with the whole question of a just wage, afford an admirable illustration of the conception of human rights here developed.

THE PRACTICAL CONSEQUENCES OF A THEORY OF RIGHTS

The practical consequences which follow from the change to a functional and relative conception of rights have been of incalculable importance. Here, as elsewhere, the truth holds good that practically the most important thing about a man is what he believes. Our theoretical attitude towards human rights affects our conduct in numerous ways.

In the first place, it must be clear that in the main a substantive theory tends to conservatism and a functional theory to a progressive attitude. One who believes that there are a few elemental rights, innate and inalienable, will be likely to insist upon the preservation of these rights and to set his face against any infringement of them. This undoubtedly has its good side, for as preservation is the first law of life, so conservation is the first law of the moral and social life. There can be no true progress without conservation of the values already achieved.

But this view has the defects of its qualities. The tendency of such a conception is to be sceptical of the achievement of new rights, and to be lukewarm towards all those social movements which aim towards the ideal of including among the ethical claims or rights all the indispensable conditions of self-realization. The functional theory, on the other hand, while losing something of the conservative value of the substantive, is open-minded towards the question of new rights. It sees that new occasions may not only teach new duties, but may also compel the acknowledgment of new rights. Changes in industrial conditions may generate new claims which first the public conscience, and then the law itself, may have to acknowledge. Development of the individual and of society may make it necessary to accord to the individual such things as education and recreation, not only as desirable but as a matter of right.

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CHAPTER X

JUSTICE: ETHICAL AND LEGAL

THE DEMAND FOR JUSTICE

The shibboleth, "the rights of man," has always fired the imagination and enthusiasm of all generous souls. Similarly the hunger and thirst after justice is probably one of the deepest of all human needs. When the excited socialist cries, "we want justice, not charity," he may have a faulty notion of what justice is, but in his demand for justice, rather than for charity, he is expressing an imperious need of the human soul which will not be stilled as long as the moral struggle of the human race endures.

The notion of justice is not an independent concept in ethics, like those of right, duty and virtue; it is secondary, in that it presupposes the notion of rights. Justice is often defined as giving every man his due. What is due a man, however, is what he has a claim or right to. In a sense, therefore, our discussion of justice is merely a continuation of our discussion of rights. There are, however, certain points which require independent study, among others the further notion of desert. In what is due a man is included, not only the things to which he may lay claim by virtue of his being a man, but also what he *deserves* to have as an individual, however we may conceive that desert ultimately to be determined.

The first form in which the demand for justice expresses itself is in the feelings of resentment or revenge. The violent resentment which the infringement of any right, or the denial of any legitimate expectation arouses, expresses itself in the sense of *injustice*. The impulsive basis of justice is doubtless to be found in this reaction of resentment—of the family, the group, or the tribe—against an individual or another group. "An eye for an eye, a tooth for a tooth," a life for a life, is not only the law of the jungle, but the law of all primitive types of life. Bacon describes this as "wild justice," and Durkheim is probably right when he says that primitive people have only criminal justice and that civil and ethical justice are of later growth.

This form of justice has been called *retributive* to distinguish it from distributive, or that form of justice which is concerned with the distribution of the goods of life. Retributive justice is the criminal justice of which Durkheim speaks but which, in contrast to the wild justice of the primitive, has undergone that process of cultivation which may be described as the development of law. Law has taken justice out of the hands of the individual or group and embodied it in institutions. The law of "blood revenge", as it is called, which still exists in some of the southern mountains of our own country has gradually been superseded by the criminal justice of the courts.[1]

DEFINITION OF JUSTICE

We must now seek a definition of justice which will cover both of these forms. As is often the case, the simplest definition is the best, as throwing most light upon the primitive feeling which a term embodies. Justice, according to Roman Law, is "giving every one his due." The feeling that underlies this expression is even better expressed in our modern slang, when we speak of a man "getting what is coming to him." In this expression are included several ideas which are inseparable from the notion of justice.

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[1] This "wild justice" is uniformly associated with divine sanctions, and very often men's gods are as wild as themselves. It is a curious spectacle then when, as so often happens, human justice outgrows the "divine," as it has been earlier conceived. The meaning of this will be considered later (Chapter XVIII).

What is coming to one includes the idea of just retribution, as when I say, "I have no kick to make, I got what was coming to me." But it also includes the other idea of just distribution, as when we feel that we did not get what was coming to us. Back of both notions, however, lies a further idea which is never lacking in the sense of justice, namely the idea of something that *is coming,* something somehow present in the nature of things—in other words, the idea of a moral order. The expression, "giving everyone his due" makes clearer, however, the close relations of the notion of justice to that of rights. What is due a man is something he has a right to expect or claim, and from this point of view justice may be defined as the satisfaction of legitimate claims and expectations.

Before leaving this question of definition let us note an element in the idea of justice which seems to be inexpungeable, and which will require our attention later. I will call it the feeling for moral symmetry. Moral asymmetry is painful to our ethical sense, as we can see in a thousand ways. If a man works hard and faithfully and cannot get enough to live on, we feel that something is wrong—that there is "no justice in the world." If, on the other hand, a man is a loafer and a waster, and all the good things of life pour in upon him, we again feel that something is inherently wrong. We are likely then, as did Emerson in his essay on *Compensation,* to look for compensatory features in both cases. We like to think that in some way desert and realization are correlative.

ETHICAL AND LEGAL JUSTICE

The notion of legitimate claims brings us immediately to the important question of the relation of ethical to legal justice. Justice in the legal sense, as we have already seen, implies ethical justice, just as legal rights imply ethical rights. "Legal justice," we found, "aims at realizing moral justice within its range and its strength consists largely in the feeling that this is so." What then, more specifically, is this moral justice which legal justice seeks to realize, and what is its exact relation to legal justice?

We have repeatedly seen that the range of the latter is narrower and that this form of justice, like law in general, "lags behind morality." This "social lag," as it is called, is recognized not only by enlightened theory, but also by ordinary common sense. Such recognition is expressed even in our courts of justice by the formula of "the appeal to the higher law."

This idea of a higher law, a law above civil statute, is in practice very ambiguous. It sometimes means an appeal to what is really lower—to that "wild justice" of which we have spoken. It is practically impossible to get a jury to convict a man who avenges a wrong to his wife or daughter, or a woman who takes the law into her own hands when she has been "deceived." On the other hand, the appeal to the higher law often means an appeal to some principle of justice not yet embodied in law. Such would be the appeal of those who violated the law of their land in helping Dred Scott or other negro slaves to escape. In any case appeals of both kind express the feeling of the divergence between ethical and legal justice and of the necessity that legal justice should embody, within its range, the ideals of ethical justice. At the present moment this sense of divergence is felt, whether rightly or wrongly, by many in connection with the prohibition laws. A man who has violated these laws, although criminal, is often felt to be not immoral, to have not displayed moral turpitude. In general, this distinction is clearly recognized, even in law itself. Thus it is quite generally recognized that what are called political offenses need not necessarily involve moral turpitude, and provision is made in our own immigration laws to cover just such cases.

THE NOTION OF IDEAL JUSTICE AT WORK

We shall not go far wrong then, if we make use of the terms, "conservative" and "ideal" justice, to distinguish between legal and ethical justice. The problem of ethics becomes then to determine the meaning and content of this *ideal* justice—in other words, to develop a working theory of justice which will at the same time meet most fully the demands of the moral sense and make the most satisfactory basis for the solution of the practical problems of the economic and social order. But first let us see this conception of ideal justice at work in the minds of men.

The appeal to this higher law, to "the ideal of progressive justice," of which Sidgwick speaks,[1] is always made whenever there is a widespread feeling that the legitimate claims of humanity are in some way in conflict with existent law and law protected institutions. In our own national life it has uniformly come to the fore in the various labor struggles, such as the riots at Homestead, Hazleton, and Pittsburgh. Any one of these might be taken to illustrate our point, but they are so recent, and still involve so seriously the passions and prejudices of men, that I shall choose one which involves the same problems, but which the lapse of time has placed in such perspective that we may now view it quite objectively. It is an episode in early California history which Josiah Royce has described and interpreted in an essay in his *Studies in Good and Evil.*

The episode in question is the so-called "Squatter Riot" of 1850 in Sacramento. Captain Augustus Sutter, a famous Swiss pioneer, held eleven leagues of land under a grant from the former Spanish governor, Alvarado. By the treaty of 1848, between Mexico and the United States, the general validity of all such rights was guaranteed, but the precise definition of individual rights was often doubtful. Captain Sutter, whose claim was by no means entirely clear, himself made no use of the land, but insisted on keeping others off it. With the "gold rush" of those years, and following the prevailing custom of squatter right, a large part of the land at that time being free, squatters began to occupy it and clashes with the local authorities immediately took place.

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[1] In his *Methods of Ethics,* to which further reference will be made presently.

The entire episode is a fascinating study of the customs and ideas of that time, and issued in a victory for order and vested right, but it is not the details of the affair that interest us here. It is rather the ideal or conception of justice to which the squatters appealed. A certain Doctor Robinson, a New England man of college training, constituted himself the leader of the squatters' cause, and against the merely legal notion of justice, he set the "higher law" of ethical justice, expressing the opinion that the settlers were merely maintaining the rights which "Country, Nature and God" had given them.

On the question itself—of the right or wrong of the action of the squatters—we may hold divergent opinions, for circumstances entered into the situation which prevented it from being the clear moral issue that those on both sides of the conflict thought it to be. There is no doubt of Royce's position in the matter. On the principle of the ancient maxim, that two wrongs do not make a right, Royce is quite clear that, for the squatters to take the law into their own hands, to violate laws which, however crudely and unsatisfactorily, embody the achieved values of mankind, is fraught with more evil than good. In any case, in this episode we have a perfect picture of the problem now before us.

ANALYSIS OF ETHICAL JUSTICE

Three points emerge from our brief study of the preceding incident: (1) The presence in men's minds of this "ideal justice" and the appeal to "Nature, God and Country" to confirm it. (2) The conflict of this ideal with legal or conservative justice, and the inevitable criticism of the latter which results. (3) The attempt, however unsuccessful, to give concrete content to this ideal. We shall now attempt to complete this task. In other words, we shall attempt to formulate an ethical theory of justice that shall be adequate to the interpretation of the facts of moral judgment, and which shall serve as guide in solving the practical problems of economic and social justice.

The most notable modern analysis of the notion of justice, at least in English, is that of Henry Sidgwick in his famous *Methods of Ethics.* We shall do well to allow him to help us in our task, in so far as we find his thinking valid. His problem is precisely ours, the determination of the concrete meaning and content of the notion of Ideal Justice.

He starts out also with the distinction between legal and ethical justice, to the first of which he gives, as we have seen, the name of "conservative"; the latter he calls "ideal." The first is defined as "respect for normal expectations of men as embodied in law," the second as "the respect for rights as embodied in the ideal of social manhood."

FORMALISTIC JUSTICE

Legal justice recognizes that justice is giving every man his due, but the whole tendency of law is to give a very narrow range to the conception of rights, or what is due a man. Law is indeed concerned with the *minimum* of morality, with that *minimum* which is necessary for the persistence and health of society, and with that also that can be enforced. The tendency of law and of all those of the legalistic mind is to feel, therefore, that a man gets justice, all that he can claim as his due, when he is assured and protected in the enjoyment of a few fundamental "natural rights," and has equality before the law. Moreover, in the interpretation and application of the law the tendency on the part of jurists is to reduce the whole conception of right to that of freedom and protection of this freedom from unjustifiable interference. Thus legal justice tends to be both formalistic and individualistic in spirit.

The present tendency of thought—even of legal philosophy itself—is away from this conception of justice and Sidgwick voices that tendency. Before considering the criticisms, it is important to realize that, while this notion of justice may not be adequate, it does not follow that it may not have an important element of truth within its own range. The conservative spirit of law makes it seem at times not only callous but also stupid. Law may seem to be blind to many human values, but those which it does see, it sees very clearly and in the main holds on to with a grip of iron.

The criticisms that Sidgwick makes on this theory are in principle the same as those which were made on *formalism* in general in Chapter III. It is formal, empty, and ineffective when applied to the concrete problems of the moral life. We may now see the point of these criticisms more clearly when applied specifically to the formalistic notion of justice.

Sidgwick starts out by noting the fact that the whole tendency of the legalistic ideal is to reduce, or to carry back, all rights, moral, civic and political, to the one fundamental notion of freedom and the protection of this right from interference. He then seeks to show how formal, empty and ineffective the mere abstract right to freedom is.

He points out, first of all, the inevitable ambiguity in the notion of freedom, and the inevitable limitations of that right which are necessary if it is to be workable, limitations of such a character as to make it often but an empty word. Besides, and this is even more important, such freedom is often purely *formal,* in contrast to *effective* freedom. Thus, the right to live, with its implied freedom from interference, means little if we cannot find the means to live. To assure a man that he has the sacred and blessed right to life when he cannot find work to sustain that life, is to fill his belly with empty husks. To be effective, the right to life seems to imply more than mere formal assurance of that right. The same is true of the right of free contract, which to many of this way of thinking has seemed the very core of human liberties. The mere formal right freely to contract with an employer for the disposal of one's labor, has little meaning if one has no power to determine the conditions of the contract. If, for instance, as was customary in certain coal regions of this country at one time, no contract would be made with a miner unless he agreed to deal at the company store, occupy a company house, in some cases remain in the company stockades, and submit to other conditions of labor equally restricting and tyrannical, one might feel moral indignation, but no one could say that the right to freedom, in the formalistic or legalistic sense, was violated. The miner was *free* to work or not to work. Nobody compelled him to make such a contract. But his freedom was merely formal, because circumstances required him to work under such conditions or to starve. His freedom, though formally valid, was ineffective, and therefore not real. Similar instances from other fields of industry could be cited to show the significance of this criticism.

DISTRIBUTIVE JUSTICE

The largely formal character of the merely legalistic notion of justice, and of the moral theory of "natural right" which it presupposes, is generally recognized in the ethical and legal philosophy of the present day. But there is a still more fundamental difficulty in the theory of justice which we have been examining, and this difficulty is brought out by Sidgwick with great clearness. It is that such a theory makes no provision for one of the most important elements in *ideal* or *ethical* justice, namely the ideal of just distribution, or distributive justice.

The formalistic notion of justice we have been considering is concerned with distribution in a limited degree. Its ideal is the assurance to everyone of a few fundamental rights, a few of the indispensable conditions of the moral life. Moreover, in striving for impartiality, for equality before the law, it seeks to distribute justly certain conditions of the good life. But the ideal of distributive justice includes much more than this. It requires distribution of other things, other goods or values. The problem of the distribution of wealth, for instance, wealth being our general term for economic goods, or for those instrumental values bound up with the bodily life.

The problem of distributive justice is for Sidgwick the *crux* of any ethical theory of justice. At this point the formalistic theory breaks down, as it does indeed in every other place in ethics. Sidgwick is a teleologist of the utilitarian type and he seeks to develop a utilitarian theory of justice that will solve the problem of just distribution. Thus far the argument has been mainly critical and negative. The task now is to seek the positive principle of the higher or "ideal" justice.

Sidgwick turns first to "common sense," to the primitive springs of justice in the heart of man. The most primitive, as we have seen, is the "wild justice" that expresses itself in resentment and retribution. Punitive justice is this resentment universalized and embodied in law. Side by side with this primitive resentment, Sidgwick finds another sentiment equally original, namely *gratitude,* and with it the concept or idea of requiting desert. It is out of this, according to his analysis, that the entire principle of positive justice develops. Conceive this sentiment of gratitude universalized, and we get the notion of distributive justice. In other words, the feeling that "one good turn deserves another," everywhere present in the hearts of normal individuals, when given a social character, expresses itself in the demand for just distribution.

It is doubtful whether this instinctive and emotional account of the springs of distributive justice is adequate to the whole meaning and content of the notion. The feeling may indeed be as primitive as the feeling of resentment to which punitive or retributive justice is carried back, but it is doubtful whether either feeling exhausts the content of our notions of justice. To make justice, in either of its forms, equivalent to these primitive instinctive tendencies is simply another case of that ubiquitous fallacy which supposes that, when we have shown that something has been produced by something else, we have therefore shown that they are the same thing and have the same meaning and value. But this does not greatly concern us at the moment. Let us see how Sidgwick develops his argument from this point.

Justice is requiting every man according to his desert. Mere equality before the law does not realize this ideal of justice. Mere protection of freedom is equally formal. How then shall we define this idea of desert? One principle of requital immediately suggests itself to us—namely that men should be rewarded according to their *intentions and efforts.* Sidgwick does not deny that such a principle would be ideal if it were possible. It is, in fact, a principle which we apply in the more intimate relations of family and friendship. But it is impossible in the larger and more impersonal relations we call social. Our sense of justice does not seem to require the impossible, that, for instance, the artist should be rewarded according to his intentions or his effort, even if all his effort results in the production of the merest daub.

In determining the notion of desert Sidgwick finds it necessary, then, to turn from the intentions of men's actions to their consequences, and to find the principle of just distribution in the principle of the requital according to the value or utility of men's contributions to society. Here, again, the ideal distribution would be that which should be based on some accurate measure of the actual contributions made to the welfare of society. In the problem of the just rewards of labor, what a man ought to receive for his labor should ideally correspond to what he contributes by that labor. Thus, in the making of any article there enter a number of elements, manual labor, brain work and business skill and organization. But how shall we measure the value of these different contributions to the production of the total product? There is really no way of measuring them, and, as a matter of fact, as we have seen in the preceding chapter, entirely different principles are appealed to in the determination of what is a just wage.[1]

In view of this situation Sidgwick sees nothing for it but to abandon all ideas of directly equating a man's economic rewards with his contributions, and to leave the matter of just distribution to the more indirect processes of "supply and demand," on the assumption that in the long run a man *tends* to get what he deserves. Sidgwick is not greatly satisfied with this conception of distributive justice, but it seems to him to be the only one, other than an abstract and mechanical principle of division such as that applied by communism.

What shall we say of such a conception of just distribution? Certain difficulties immediately present themselves. A distribution of goods by the merely economic process of competition and of supply and demand cannot be justified in terms of desert, unless we bring in the idea of *inherited* desert. In the existing system of distribution many individuals notoriously receive economic goods which are in no sense returns for anything which they themselves have contributed. This is obvious in what is called the "unearned increment." It is most apparent in the case of great estates, such as those with which we are familiar in cities such as New York and London. The incomes on these estates, sometimes reaching fabulous proportions, cannot be equated in any manner with contributions that the individuals receiving these incomes have made to society. They can be thought of as earned only if we are willing to swallow the monstrous fiction that the ancestors of the present owners have accumulated "merit" which has been passed on to their descendants. A much more intelligible conception is that this unearned increment is a social increment, and then we have the problem of the just distribution of a social increment and of the means by which it is to be justly distributed. It should be noted, moreover, that while the idea of the unearned increment is most obvious in the case of landed property, it is really applicable in principle to other forms of property.

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[1] Chap. IX, pp. 204 ff.

Difficulties of this sort show the impossibility of equating the economic distribution of goods with a "just" distribution, in the ethical sense, if we base our notion of just distribution on the idea of desert. But the essential difficulty is more fundamental still. Distribution of goods, according to the economic principle of *laissez-faire,* is really *not moral at all.* The economic process is in itself a purely mechanical process and should be so conceived. One can identify the actual economic process of distribution with the ethical conception, only if one assumes that in this mechanical process some "divine providence" or "immanental reason" is at work, transforming a merely mechanical into an ethical and spiritual process.

This is what the thinking of the nineteenth century largely did. The so-called *laissez-faire* theory of distribution based its claims for *equity,* as well as utility, upon the fiction of "the virtual identity of the economic and the human or ethical distribution." It was quite generally assumed that if every owner of capital or labor, or any other factor of production, were free to apply his factor in any industry and any place he chose, he would choose that place where the highest remuneration for its employment was attainable. But since all remuneration for the factors of production is derived from the product itself, which is distributed among the owners of the several factors, it follows that the highest remuneration must always apply to the most productive use. Thus, by securing the most complete mobility of capital and labor, we ensure both a maximum production and an equitable distribution.

It is not difficult to see now the fictional character of this entire conception. Even less difficult is it to see that such a process of distribution—even if worked out in the way contemplated—would not be an ethical distribution. It is only desert in the limited sense of production that is taken into account and all other human or ethical factors are abstracted from. This fiction of the identity of the economic and the ethical process leads, moreover, to monstrous consequences which show its inherent absurdity. In the illustration used in an earlier connection, the packers claimed that a wage determined by the law of supply and demand was a just or proper wage. We have only to press the packers' argument a step further to see where it leads. Suppose now that the working out of these processes led to a condition in which the majority of people were receiving wages below the "subsistence minimum." Would such a distribution be a just distribution? If not, why not?

In presenting this situation, it is not necessary to suppose that any such tendency of wages could be a permanent one. Doubtless the economic process would tend to right itself, and if it did not, political revolution would restore the balance (and such revolution, as is invariably the case, would get its driving force from ideas of right and justice). The only point is that on this theory of justice, such a tendency, if it *did* occur, would necessarily be a just one, and the distribution of goods that resulted a just distribution. If one cannot accept this consequence, he must abandon the entire utilitarian theory of just distribution.

A BIOLOGICAL CONCEPTION OF JUSTICE

One need only present the situation in order to see that such a theory of distributive justice is untenable. It is open to us to say that justice has nothing to do with distribution, but if we bring the two ideas together at all we must look for the principle of just distribution in another quarter. In other words, we have been able to follow Sidgwick's analysis and theory of justice up to this point, but here we must part with him and seek in quite other conceptions the real basis of distributive justice. Before turning to this task, let us first examine briefly this same general theory clothed, however, in biological terms of "struggle for existence" and "survival."

Biological conceptions have, we have seen, been employed frequently to "rationalize" ethical opinions. A conspicuous example of this is a theory of social justice developed by Professor T. N. Carver. In a book entitled *Essays in Social Justice,* he defines justice in the following manner. "Justice is that system of adjusting interests which makes the group strong and progressive rather than weak or retrogressive, whereas injustice is that system of adjusting conflicts which makes a nation weak and retrogressive rather than strong and progressive."[1]

In such a conception of justice the emphasis is transferred from the individual to the social, but it still assumes the identity of what ought to be with what necessarily is. In examining this conception it is important first to distinguish between two possible interpretations of this formula. It may be held merely that where justice reigns a group *will* be strong and progressive and where injustice reigns it *will* be weak and retrogressive. This may well be, and historical evidence might be adduced to justify such an assertion. In such a case, however, strength and progress are the effects of justice, not the criterion. The nature of justice would have to be found in some other reason. In the view before us this is not, however, what is meant. Here the criterion of justice and of just distribution is to be found in the merely biological categories of survival and progress.

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[1] Chap. I, p. 30.

As thus presented, it is simply a more respectable language for the old formula that "might makes right." Such a conception of justice would, of course, be subject to the same general criticisms that we brought against the biological conception of ethics as a whole. The force of that general criticism becomes, however, all the more patent when we examine this notion for itself. We have already seen that if the working out of the mechanical process of supply and demand resulted in a condition in which the majority of the people were receiving a wage below the subsistence minimum, on the theory of the virtual identity of the economic and the ethical process, such a condition would have to be called just. In like manner, if, in the struggle of nations for economic survival and power, the reduction of the individuals in a nation to the level of an industrial serfdom, in which they received merely enough to subsist, became a necessity, such a form of organization and of distribution would, on this theory, necessarily be just. In other words, the present conception of "social" justice is merely another form of statement of the *laissez-faire* theory which maintains the virtual identity of the economic and the ethical process, the fictional character of which we have already seen.

THE TRUE NATURE OF ETHICAL (OR IDEAL) JUSTICE. THE SELF-REALIZATION THEORY

It is difficult to avoid the conclusion that ideals and theories of justice of the kind we have been considering in reality *denature* justice, take all the meaning out of it. In explaining it in this fashion they *in reality* explain it away. Merely utilitarian theories of distribution, whether economic or biological in their emphasis, are unsatisfactory for two reasons: (1) because they do violence to the notions of "common sense" as we have defined it, and (2) because, when carried out, they lead to consequences, both practical and theoretical, which show them to be untenable. We can only conclude that the real core of justice has not yet been touched and that essential elements in the ideal have been ignored. These essential elements we shall now attempt to state. We shall find that, when stated, they lead us back to the fundamental conceptions of the self-realization theory.

A moral right, we have seen, is a claim implicit in and deducible from the moral end of man as a member of society. Justice, in the ethical sense, is then the progressive satisfaction of all these claims. A still further simplification is, however, possible. Just as the formalistic, "natural rights" theory lumps all these claims in the claim to *freedom,* so the self-realization theory lumps all these claims in the one claim to *opportunity*—opportunity to be a person in the full sense of the word. Justice, in the ethical sense, is giving to every man the indispensable conditions of self-realization.

What is due a man—in the sense of ethical or ideal justice—may then be summarized in this fashion: Justice is the satisfaction of the normal expectations of an ethical being in an ethical society. It consists in giving to everyone the indispensable conditions of the moral life, or of self-realization. But with this we come to the second necessary element in an adequate ideal of ethical justice. Justice is giving to *every* man his due. In other words, some idea of equality is inseparable from any notion of justice. Even in the legalistic notion of justice it is only because the natural rights are conceived as *equally* inherent in every individual, and as *impartially* guaranteed and protected, that any one would, for a moment, think of identifying them with justice. It is only because in the economic system, as it at present exists, it is assumed that each *has* equality of opportunity that it also would for a moment be called just.

APPLICATION OF THESE PRINCIPLES. A WORKING THEORY OF JUSTICE

The problem of distributive justice is, we have seen, the *crux* of an ethical theory of justice. For this reason much is said today about economic or social justice. Strictly speaking, there is, of course, no such thing as economic or social justice, as distinguished from ethical. All justice is ethical and legal. The economic process, except in so far as it is modified and directed by the moral will of men, is essentially a mechanical process. What is called economic justice is then merely the ethically just distribution of economic goods.

In the solution of this practical problem two powerful theories or ideals stand opposed to each other, and the actual changes that have taken place in the economic world are the results of the struggle of these two opposing forces. We may call them the *Individualistic* and *Socialistic*. As a result of this struggle, there seems to be emerging a third conception or ideal which we may describe as that of "equality of opportunity." According to our way of thinking, neither of these two extreme views is either logically tenable or practically workable.

THE INDIVIDUALISTIC THEORY

The individualistic or *laissez-faire* theory has already been presented in its essentials in our account of the utilitarian theory of justice. From a purely utilitarian standpoint, it has apparently much to commend it, and it is from this point of view that the position is chiefly maintained. It may be argued, in the first place, that there is really no other way to distribute goods or to determine wages. It may be argued that it is only when a premium is put upon the initiative of the individual, only when that initiative is rewarded as it is rewarded in the competitive system, that production can be maintained at a level sufficient, not only to make possible economic progress, but even to assure a supply of goods necessary for human well-being. Appeal may be made to "human nature"—to certain psychological factors such as the competitive impulse and the love of risk.

Arguments of this sort, although often exaggerated, cannot be lightly regarded. The psychological factors to which individualism appeals are real enough to make any diminution of them doubtful policy, at least until there is clearly some "moral equivalent" for the competitive impulse upon which the present economic system so largely depends. In short, there is an element of truth in individualism which cannot be disregarded by any theory that hopes to be practically workable. On the other hand, the defects of such a conception of justice have become equally manifest. It can justify itself ethically only by an appeal to the fiction of inherited desert. It ignores entirely the social and collective source of a large part of economic values. It rewards no motives except the "economic" virtues of thrift, shrewdness and energy, motives which from the standpoint of the more ethical interests of society are often of doubtful value if not actually inimical. It tends to ignore motives entirely and to reward only certain types of services rendered. In short, it leaves out of its calculations all the distinctively human and ethical values. It is, in principle, a non-human and often inhuman distribution.

THE SOCIALISTIC THEORY

In contrast to the individualistic theory, the socialistic is primarily ethical in spirit and motive and, from the standpoint of an ethical ideal of distributive justice, should have the first claim to consideration. In its communistic form, the ideal, however it may be modified in practice, is that of the *equal* distribution of the goods of life. More moderate expressions embody the same spirit. The well known formula; "to every one according to his needs; from every one according to his abilities," stresses the same principle of equality.

There can be no question, either of the intrinsic significance or of the practical driving force of this ideal in modern life. Socialism is the historic embodiment, not only of a wide-spread resentment against the distribution inevitable in a competitive system, but of a positive principle of distribution inherent in the ideal of the realization of social manhood. But the criticisms that may be brought against it are also of a serious nature.

These criticisms are, first of all, of a practical character. It has been pointed out repeatedly that an equal distribution of the means of life, as contemplated by pure communism, would result in adding to the income of each so small an amount as to be negligible. In the second place, communistic forms of distribution which seek an abstract and mechanical equalization of income, find it difficult to discover ethical equivalents for the individualistic and acquisitive motives which have hitherto been the main driving forces of production. One cannot say off-hand that human nature is not modifiable in this direction. The extent of such modifiability can be discovered only by experience; and it is conceivable, for instance, that Russian communism may develop a new type of mass-man in which the older springs of action, characteristic of man as we have known him historically, shall be supplanted by purely communal motives. Nevertheless, the experience of Russian communism, first in industrial socialization, but more particularly in agricultural socialization, do not promise miracles in this direction. The chief criticisms of this ideal, from an ethical standpoint at least, lie, however, in another direction. The ideal of abstract equality, embodied in this ideal, since it tends to ignore the element of individual desert, easily passes over into injustice. It is not an accident that in Soviet Russia justice is more or less contemptuously described as a survival of bourgeois morals.

A WORKING THEORY OF JUSTICE. EQUALITY OF OPPORTUNITY

Our examination of the *pros* and *cons* of individualism and collectivism seems to indicate that there are elements of truth and falsity in both positions. An adequate theory of distributive justice would demand a conception or ideal of justice that retains the elements of truth in both. Individualism and collectivism (or socialism) constitute two abstract formulas of economic production and distribution. Enlightened theory, as well as sensible practice, seem to demand, in the words of Bernard Shaw, "the swallowing of all formulas." It is true, as Shaw continues, "once a socialist in a sense always a socialist." It is probably true also that once an individualist in a sense always an individualist. But the fact remains that a practical working theory can scarcely be exclusively one or the other. The theory we shall develop may be described as the theory of "equality of opportunity." It claims specifically to combine the elements of truth in both of the preceding theories, and thus to afford a *conciliation* of individualism and collectivism.

The use of the notion of conciliation suggests immediately the more general opposition of egoism and altruism, of which the present opposition is, as we said in Chapter VII, but a special form. It is, of course, not quite true that collectivism or socialism is merely the extension of the sentiments of sympathy and altruism to the economic and social spheres, as Nietzsche thought. There is more to collectivism than this. Nevertheless, the difficulties, both practical and theoretical, inherent in absolute egoism and absolute altruism are repeated *mutatis mutandis* in the exclusive formulas of individualism and collectivism. The latter are as self-defeating as the former.

The self-defeating character of pure economic individualism is seen in the doctrine of wages associated with it. On the old, purely individualistic theory, it was assumed that a "just" wage was determined by the economic law of supply and demand, the "iron law of wages," as it was called. It was argued that a "natural" law demands that the employer should seek to buy labor as cheaply as possible, that self-interest demands that he pay as low a wage as possible. But we have come to see that "enlightened" self-interest does not necessarily mean as low a wage as possible. Increased wages mean increased purchasing power, greater consumption, and thus greater production. Enlightened economic practice means the swallowing of this old economic formula. The new economic practice, associated with the name of Henry Ford, is considered by many people to be one of the great discoveries of the present era. In like manner, pure collectivism appears to be practically self-defeating. A merely abstract and mechanical division of the goods of life seems, not only to reduce the productive power of labor, but in the long run to fail to produce the conditions of life under which individuals, of varying ability and needs, can contribute the most to society.

JUSTICE AS EQUALITY OF OPPORTUNITY

As a result of considerations of this sort, there is gradually emerging, both in theory and in practice, an ideal of social justice which seeks to mediate between these two extremes, and to seek in more enlightened conceptions of equality of opportunity a working theory of justice. It is coming to be felt more and more that both extreme individualism and extreme collectivism are essentially dogmatic in character and that no working theory is possible until we have swallowed these formulas.

This conception of justice holds fast to the notion that equality, in some sense, is an essential part of the ideal of justice. It starts out, however, with the recognition of the fact that the powers and capacities of men are naturally very unequal. A part of this inequality is due to native differences of endowment over which there is little if any control. Another part, perhaps the greater, is due to conditions of biological inheritance and social environment which are modifiable to a degree not yet fully determined. An individual's opportunity, not only for economic success, but also for self-realization in the larger sense, is determined by both these factors. Men are not equal in opportunity at the start.

Now any attempt to equalize the opportunity of individuals that proceeds mechanically ignores the first factor, and is likely to be self-defeating. Individualistic theories are right in insisting on this aspect. They recognize that there is something very real, called personal effort or initiative, that cannot be ignored, either in economic and ethical thinking. It must be stimulated, conserved and rewarded for ends of economic production and retained in any ethical conception of desert. On the other hand, inequalities due to the second kind of causes are modifiable and have been continuously modified by social activity and legislation. The lessening of these inequalities is a necessary part of the ideal of social justice.

Modifications of this sort, increasing the opportunity of individuals, have actually been going on continuously. It is idle to deny that most of these changes have taken place under the influence and stimulus of collectivist ideals, but that only goes to show that the socialist ideal or theory contains an ethical element that cannot be ignored. To enumerate the changes that have taken place along this line would be merely to tell the story of recent social legislation in all modern democratic societies. If we take as our point of departure the table of human values which has guided us in our study of practical ethics, we shall see immediately that there are not only laws protecting these values, as we have seen in Chapter IX, but that in all modern states there has been increasing legislation in the direction of the greater equalization of the opportunity to secure these values. A few illustrations will suffice to make this point clear.

There is, in the first place, an increasingly conscious attempt to equalize the opportunities of men, so far as they are conditioned by bodily health and vigor. In modern democratic states the problem of housing is more and more taken out of the hands of purely individual initiative and made a communal concern. In European countries, it is to a large extent a matter of civic or even national policy; with us in America it is still left to voluntary associations of individuals, working more or less in conjunction with the community. In most European countries a degree of communal care of the health of children, sickness and old-age pensions for workers, are both an established part of national policy. With us in America the consciousness of obligation in all these matters is growing, but the carrying out of these duties is still left to a large extent to voluntary institutions and to the good sense and business acumen of the great industrial organizations themselves. The increase of group insurance against old age on the part of great industrial organizations is one of the outstanding characters of the age.

Nothing in recent legislation illustrates more completely, both the theory and practice of this conception of justice, than our income and inheritance taxes. In substituting this direct taxation for the purely indirect taxes hitherto in force, it was indeed partly the idea that by this method the indirect taxation by protective tariffs, etc., could be reduced, and the incidence of taxation be more equitably distributed. But one of the main purposes, consciously enunciated, was a more equal distribution of the wealth of the country. President Theodore Roosevelt, to whose preaching of the doctrine of the "square deal" a large part of the initiative in social legislation was due, explicitly advocated the reduction of "swollen fortunes" by this means. The graduated income tax, and the inheritance taxes which become progressively higher and higher with the size of the estate, had as their distinct object the return to society of a large part of those individual fortunes which were held to be, to a large degree, socially and not individually produced. These laws were called socialistic and confiscatory at the time, but the public conscience had developed to a point at which no other practice was any longer possible.

One of the chief planks in the platform of the theory of equality of opportunity is that, while natural endowment is not greatly modifiable by education, economic and social opportunity is greatly increased by it. Equalizing of the opportunities for education has, for modern democracies, meant also equalizing of opportunity. It is on the basis of this assumption and ideal that a minimum at least of education is not only assured to every individual, but has become compulsory, whether the individual or his parents wish it or not. The development of state universities in our own country, open without cost to all the youth of the State, is an attempt to carry the principle of equality of opportunity through education far beyond the minimum as at first formulated. It is of interest to recall that free education, even in the lower grades, was at first attacked as socialistic, and the principle was affirmed that an individual had a right only to such education as his parents could pay for.

The theory of just distribution we have been describing is, then, simply a conscious recognition and formulation of a process that has actually been going on, as the result of the functioning of normal human impulses, and of the demands of economic and social necessities. It constitutes a purposeful effort towards equality of opportunity. A large part of this legislation is undoubtedly a result of economic necessity. The change in the industrial life of modern man has necessitated that many things that could formerly be left to the individual shall now become a matter of social concern. Just as the right to labor became a problem only when industrial conditions brought about unemployment on a large scale, so also legislation of the type we have been describing became "practical politics" only when the changed conditions of modern industrial societies made such legislation imperative. On the other hand, to fail to recognize that both the driving force and the direction of these changes have been due largely to an ideal of justice, would be to ignore factors which, while in a sense imponderable, are no less real and determinative. Historically, a large part of the reforms of the early part of the nineteenth century were due to the utilitarianism of Jeremy Bentham. It is no exaggeration to say that the ethical ideals we have been describing have been equally influential in the legislation of more recent times.

One other aspect of this theory should be specifically noted. As a result of its recognition of the element of truth in the individualistic theory of justice, its procedure, its method of attaining equality of opportunity, is *indirect* rather than *direct*. Communism has a similar ideal also, but it seeks to attain it by a direct and arbitrary equalization of conditions. In general, it may be said of direct and mechanical equalization what Ramsay Macdonald has said of all kinds of direct action, namely that "it tends to be a movement in a circle." All arbitrary and forceful action can maintain itself only by the same tyranny and injustice which it seeks to displace. It is in the end self-defeating. This is the basal argument for all evolutionary conceptions of the realization of justice, as opposed to revolutionary conceptions with their appeal to direct action of any and every kind.

JUSTICE AND PUBLIC OPINION. AN ILLUSTRATION

The working theory of justice that has been outlined seems to be that which commends itself to a critical and enlightened reason. But it is more than this. It is also the ideal which seems to be guiding public opinion as it finds expression in progressive legislation and in the official expressions of enlightened conscience. It may be well to illustrate this more definitely by an example taken from recent legislation and legal practice.

The illustration I have taken is the change, both in public opinion and in law, as to what constitutes just compensation for injuries received by workmen in prosecuting their labor under modern industrial conditions. Workmen's Compensation Laws have been passed in various states, of which we may mention merely New York and Connecticut, which embody a complete change in social philosophy and an almost new legal principle.

Prior to the passage of these laws, there existed the "Fellow Servant" doctrine of responsibility. According to this principle, employees on entering service took upon themselves, as incident to hiring, the risks from negligence or carelessness of their fellow servants.

In the administration of the law, which went back to English common law, and was thus derived from conditions of industry of a very simple nature, it was increasingly felt that great injustice was done. This feeling reached its culmination in an attack by Theodore Roosevelt upon a supreme court justice of the State of Connecticut (who was at that time running for governor of the State on the Democratic ticket) for upholding the existing law in a case of compensation that came before him. The answer of the judge was that he did not believe that the law was just, but since it was the law, legal justice required that he administer it impartially.

Since that time it has been increasingly felt that the old law *was* unjust and a new type of Employers' Liability Law has been passed in most of our states, involving a complete change in social philosophy. According to this new legislation, the employee is no longer compelled to assume the risk, and the responsibility is shifted from the shoulder of the employee to that of the employer. The direct cause of this change is the recognition of the fact that the worker cannot be expected to assume the risk for the reason that, because of the complexity of modern industrial processes, it is practically impossible to prove the negligence or carelessness of fellow servants.

The shifting of the responsibility to the employer, is, of course, only apparent. Through employers' liability insurance, the employer is protected against risk, and the cost of the insurance is reckoned in the cost of production of the article, and thereby ultimately shifted to the consumer. Actually, therefore, the risk is shifted from an individual to a social basis. With this, as we have said, there is a radical change in social philosophy. This shift appears at two points, (1) in a modification of the principle of complete freedom of contract and (2) in the enunciation of the principle of social responsibility. This radical change is deserving of close study as indicative of a gradual shifting from the individualistic to the socialistic conception of responsibility, but chiefly for the reason that it illustrates the modification of "legal" justice through ideals of ethical justice and shows the direction in which ethical concepts of justice point.[1]

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CHAPTER XI

THE NATURE OF DUTY: THE PLACE OF RULES IN THE MORAL LIFE

There is, we have seen, a point of view from which our duties rather than our rights should be uppermost in our minds. The only proper perspective for the moral agent, as an individual, is expressed by the question, what ought I to do? I may, indeed, ask with a certain propriety, what ought I to have? Every man, as man, has certain claims that he may make on life and society, and I, as a man, am no exception to the rule. I may, with even more propriety, ask, what ought I to be? Every man seeks the good rather than the bad. He is always doing and choosing. But he can not act or choose, can not achieve or realize anything, without inevitably achieving what we call character, realizing also what we call the self. It is eminently fitting that he should have some ideal of what his character should be, what he as a self ought to become. But the fact remains that the practical moral problems of the individual revolve primarily around the question, what he should do.

This question may be asked in two different ways and has, therefore, two somewhat different meanings. The first way in which it may be asked is this: What ought I to do, as a human being and not as an animal, as a developed civilized man and not as a primitive, etc.? This question is capable of being answered in a universal sense—in the universal sense in which it is asked. This is the problem of ethics as a science. The other way of asking the question is, What ought I to do as an individual, in these particular circumstances? To this question science of itself can give only general hints and directions. For science deals only with generals and universals.

Ethics can ignore neither of these ways of asking the question and must find some answer to both. But it can not be insisted upon too strongly that the first question is the primary one, and that it is with this that ethics, as an organized body of human knowledge about values, is first of all concerned. All sciences, including the descriptive and explanatory, are concerned with general laws or universals. They must, indeed, also seek to explain individual happenings—to subsume them under universal laws. But the determination and interpretation of the general law is the primary task. As the descriptive sciences are concerned with the discovery of laws, so the normative sciences are concerned with the formulation of norms, more specifically norms of right, of duty, and of virtue. The application of these norms to the "specific situation," although an inescapable part of moral "science," is a secondary problem.

In the light of the preceding we may divide the discussions of the present chapter into two parts. The first will be concerned with an attempt to answer the question, as to what is my duty, in the first form, the second will consider "The Place of Moral Rules in Ethics."

THE CONCEPT OF DUTY. THE BROADER AND THE NARROWER NOTION

The concept of duty or obligation arises, we have seen, so soon as the securing of goods becomes a human problem, so soon as we are faced with the choice of the greater or the lesser good. There is then, so to speak, what the philosophers call an *a priori* relation between value and obligation, that is a relation that is both universal and necessary. The proposition that the good ought to be chosen rather than the bad, the greater rather than the lesser good, is axiomatic.

No reason can be given for this other than that the opposite can not be given an intelligible meaning, or as the philosophers used to say, can not be conceived.[1]

It follows that in the mere recognition of a good or value there is implied immediately the obligation to seek it. I may indeed, with the satanic soul, say, "evil be thou my good," I may seek to get "beyond good and evil," to break up all the old tables of values and duties and to make new ones; but from the new ones will spring the same sense of obligation, as Nietzsche himself came to see. We may seek, like him, to depreciate or explain away the feeling of obligation, only to find that we have merely changed the objects towards which the sense of obligation or duty is directed. We simply create new tables for old.

This is the meaning of duty or obligation in its primary and its broadest sense. Duty, in this sense, is coextensive with our world of values. "By the inherent logic of action our world of values becomes a world of duties," and a table of duties could at best reproduce our table of values in a less fundamental form.

Now this broader conception is the only one that is ultimately satisfactory for moral theory. Conduct, as we have seen, is not merely a part of life—not merely even three-fourths of life, as Matthew Arnold said—but the whole of life in one of its aspects. It is well, therefore, to emphasize this truth. The artist can not get a glimpse of the value of beauty without its entailing obligations which he refuses at his peril. The thinker or scientist can not start upon the search for truth without creating for himself obligations that immediately become the lords of all his life. As in Carlyle's vivid terms, "the workman may break the whole decalogue with every stroke of his hammer," so the faithless artist or scientist may strike at the entire moral order by disloyalty to the obligations that are peculiarly his.

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[1] The fuller meaning of this and its implications will be developed in Chapter XV.

All this is true and should not be lost sight of. On the other hand, it must be admitted that, true as this broader conception of duty is, its very broadness makes it so vague as to render it almost useless, not only for moral practice but also for moral science and theory. Any real answer to the question, what ought I to do, what is my duty, requires a more specific and, in a sense, narrower conception of duty.

Our fathers understood this situation very well and, with an insight and clearness of mind often denied to their more muddled-headed posterity, coined excellent terms to describe it. They spoke of the "counsels of duty" and then of the "counsels of perfection" which went beyond duty in this narrow sense. They spoke of duties of "perfect obligation" and duties of "imperfect obligation," and in these phrases characterized certain distinctions of very great importance, which we shall do well to have in mind. By duties of perfect obligation we shall then understand those duties which spring from values and rights so fundamental that they are to all practical intents universal in scope and necessary in their claim. By imperfect obligation we shall designate obligations that are no less emphatic for those who are conscious of the values from which they spring, but which lack that universality and necessity which claims arising from the more fundamental values have. The obligations of the thinker to truth or of the artist to beauty are genuine and binding. But unless we hold some romantic philosophy of genius which puts the genius above good and evil, we cannot fail to see that the homely duties, to wife and child, and to his fellow men in general, are binding for him, no less than for those of more ordinary clay. In general, the greater the man, the less will he want to have himself exempted from the normal obligations of life.

Duty in this narrower sense may then be defined as giving every man his due, or as respect for the rights or claims of men which follows upon the recognition and acknowledgment of human values.

To this definition of duty in the ethical sense, we may with advantage add a definition of the notion of duty in law. Duty (in law) is that active or passive furtherance of the rights of others which is enforced by the law.[1] Legal duty is correlative to legal right. To enforce a duty is to vindicate a right, whether it be a duty owed to the State as a whole, or to particular individuals. A duty in the latter sense is a duty *in personam*. A duty owed to all our fellow citizens, or a large class of them, is a duty *in rem,* or an impersonal one.[2]

The distinction between duties of perfect and of imperfect obligation is, of course, only relative, but for that reason none the less important. If we have a real sense for the values of life, we shall feel a sense of perfect obligation towards the ideal values of truth and beauty, no less than towards the claims of persons and of institutions. If we are "perfectionists," counsels of perfection become, of course, duties in the broader sense. But this fact, and its recognition, does not prevent us from recognizing also that, even from the standpoint of perfectionism, some duties are more fundamental than others. There is a certain law of the moral life which compels us to put things in their right order. And while some values are higher than others, this does not exclude the fact that some lower in the scale are the more indispensable. "These ought ye to have done, and not to leave the other undone." Any other view is sheer unreason in the sphere of values.

DUTIES AND RIGHTS

Duty in this latter, narrower sense, corresponds almost completely with rights. Our duty towards a man is giving him what is due him. Similarly our duties towards society and its institutions are but acknowledgment of the claims which they make upon us as indispensable conditions of the good life. The fundamental duties may then be described as respect for rights. As such, indeed, they constitute the chief commandments.

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[1] Holland, *Jurisprudence,* Chapter VII, 74.

[2] Pollock, *First Book of Jurisprudence*, Chapter IV, p. 81.

Duty in this narrower sense being wholly correlative with rights, a classification of duties would be but a classification of rights in another form. Such tables or classifications could indeed be made, and would have a certain value. Thus, assuming that for every legitimate claim or right there is a corresponding duty or respect due the claim, we might explore the entire web of human relations. The duty of a man to respect the life, the freedom, the property, and the character, of his fellows; the duties of a man to his wife and children; of employer to workman and of workman to employer; respect for truth and for the cultural or spiritual values in general, and for the moral order and the law in which the moral order is embodied—all these might be tabulated and classified in the fashion of our system of values.

Such a picture of "the whole duty of man" would not be without its advantages. It would give us a comprehensive view of the entire field of human obligation and make us acquainted with the continuous efforts of men to embody their obligations in law. But it would also have the defect of its qualities. It would at best be an abstraction from life. The only effective way to study the rights and duties is to examine them in the context of the specific historical institutions in connection with which they have developed. The fact that duties, like the rights which they presuppose, are relative and functional, makes it impossible to determine their nature and scope except in their specific contexts. An attempt to do this will be made in connection with the two institutions of property and the family. Here we shall confine our study to problems growing out of the general nature of moral duties.

THE CORRELATIVE NATURE OF RIGHTS AND DUTIES

That wherever a legitimate claim on the part of any member of society is acknowledged and established there are corresponding duties on the part of others, seems self-evident. Such at least is implied in "common law" and in the statute law built upon it. In our study of the table of values we found, not only that there are laws protecting all the fundamental human goods, but that these laws imply both the duty of individuals to respect these goods, and also duties of society as a whole. My duty to respect the property or good name of my neighbor is recognized, but the rights to free contract and free association or assembly must also be respected by the State.

This phase of the situation is recognized, but there are other aspects that are not so self-evident. As a general principle it would be recognized that my possession of a right implies the obligation to exercise that right in certain ways. There are, to be sure, people who suppose themselves to have rights without corresponding duties; but in the main we recognize this as a lack of moral sense.

Illustrations of this relation could be found in connection with every conceivable right. I shall take merely the rights of property and free contract. A man's right to property entails obligations to use it in certain ways. Many of these duties belong only to the region of ethics and the man's own conscience, but some of them are embodied in law. A man may, for instance, use his property for his own ends, but the duty that it shall not become a nuisance to his neighbor is exacted by the law also. The right to free contract is granted to the individual as the indispensable condition of self-realization, but with that right goes the duty, also embodied in the law, of not entering into contracts which are contrary to the public good, or positively of exercising that right in the direction of the common weal.

Rights and duties are then correlative in the two senses described above. But there is still another aspect of the relation which is more doubtful and more difficult to establish with certainty.

Rights imply duties, but is it not also true that duties imply rights? Are there not always rights wherever there are duties? This is often denied by practical men and by some moral thinkers. There can be no question that in any given society there will actually be found duties without corresponding rights that are acknowledged, as for instance, the obligation to labor without the right to labor. The obligation to work has long been accepted as part of the ethical minimum embodied in law, but the corresponding right to work has only grudgingly and gradually been admitted.

In the long run, however, such moral asymmetry tends to be felt as social and political maladjustment, and to indicate a society out of equilibrium; eventually there is a corresponding tendency to readjustment. One of the chief aspects of ethical advance, or progress, is to be found in this continual new determination of the correlation existing between rights and duties. Often it is of the nature of a new insight, of a real moral discovery. So long as the rights of women, more especially the right of suffrage, were argued on the basis of abstract right, the problem remained to a degree academic and did not vitally affect the moral sense of men. It was only when, during the World War, it was discovered that civic duties were demanded of women, in many ways equal to those demanded of men, and that they were ready and able to fulfill them, that the corresponding political rights were acknowledged.

In general it may be said, I think, that this tendency to secure moral symmetry, or the balance of rights and duties, is an ineradicable part of our moral sense or moral reason. In this case, as in the case of the right to labor discussed in Chapter IX, it was a "condition" and not a theory that forced the issue. "The large events in the political world are," as Mr. Bertrand Russell says, "determined by the interaction of material conditions and human passions." But it remains true that a moral order out of equilibrium—one in which there is an internal contradiction between right and duty—is felt to be an order of unreason. When Lincoln maintained that a democracy could not continue indefinitely half slave and half free, he was enunciating a fact which the logic of economic events made more and more obvious, but he also asserted a principle which the logic of moral reason also made more and more inescapable.

DUTY AS FUNCTIONAL AND RELATIVE

With the recognition of the correlative character of rights and duties there comes into clear view another aspect of duty which is of great importance. Duties, like the rights which they imply, are instrumental and functional. We have seen what these terms mean in the case of rights. Rights are not, so to speak, qualities which inhere in the individual as abstracted from society. They are also not unchanging entities that may be enumerated for all time and, perhaps, reduced to one abstract conception such as freedom. Such a conception is purely formal and, as such, ineffective. Rights are functional in the sense that they describe reciprocal relations between individuals in a changing society. The same is obviously true of duties.

"New occasions teach new duties," we are told. It is entirely obvious that, if, as we have seen, specific claims or rights are historically conditioned, the duties that correspond to them must also be thus conditioned. The fact that a duty may be relative from the standpoint of different historical levels, does not at all mean that it is equally relative for an individual living on a specific level of social development. The duty embodied in the commandment, thou shalt not kill, is indeed conditioned by our present insight into, and acknowledgment of, the sacredness of life which did not exist on lower levels of development. But once that insight and acknowledgment is achieved, the duty becomes absolute and unconditioned. It is not meant here that no exceptions to this rule or principle are conceivable, as in the case of capital punishment or *euthanasia.* That is another problem. What is meant is merely that we cannot argue from this historical relativity to relativity for the individual.

This aspect of the question will be considered more fully in Chapter XVI, where we shall examine the problems of moral relativity and scepticism for themselves. In this connection it is more important to emphasize another inference from this principle of the functional and relative character of duty. New occasions teach new duties in the sense that old duties are modified. But changing conditions bring into being duties that are wholly unexistent on lower levels of development. This is in principle true in all phases of human life and activity, but it is most obvious in the world of economic relations in which, as a result of the industrial revolution, changes have been most rapid and far reaching. A code of duties governing the relations of employer and employee, entirely adequate for small scale production, becomes wholly inadequate for the large scale production of modern industry. An employer may *feel* no new duty, but the duty is there and tends ultimately to be embodied in law.

SUMMARIES OF THE COMMANDMENTS (OR DUTIES)

It is precisely because of considerations such as the foregoing that the greatest moralists have constantly contrasted the "spirit" with the "letter" of the law, and have almost unanimously striven to lead the mind from moral rules themselves to the spirit or principle back of the rules. Thus the famous saying of Jesus, "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and thy neighbor as thyself. On these two commandments hang all the law and the prophets." In certain Christian liturgies this summary follows after the Ten Commandments. Similar attempts to summarize "the whole duty of man" can be found in all the more developed racial moralities and in what are called the ethical religions. Indeed, as has been frequently pointed out—recently by Aldous Huxley—however varied may be the minor rules of different races, corresponding to different environments and different stages of development, the moral and religious geniuses of all peoples show a singular unanimity in respect to what we call fundamental principles. What Huxley calls the "axes of reference we call good and evil" vary with the mental position of different peoples, but he goes on to point out that "the axes chosen by the best observers have always been startlingly like one another, Gotama, Jesus and Lao-tsze, for example. They lived sufficiently far from one another in space, time, and social position. But their pictures of reality resemble one another very closely. The nearer man approaches to these in penetration, the more nearly will his axes of reference approach to theirs." [1]

THE PLACE OF MORAL RULES IN THE ETHICAL LIFE

The general nature of duty is now before us. To the question what ought I to do? in its first form and its primary meaning, we have given an answer which, while very general, does bring out the real nature of duty. Such an answer as this does not, it is true, take us very far into the complexity and richness of the moral life. It is only in the concrete context of the more specific study of the social institutions of mankind that we can give a really satisfactory answer to the question. Still more is it true that to the question what ought I to do in a specific situation, no answer can be given except in such a context. Nevertheless, it is still possible to lay down certain general principles regarding the place of moral rules in the ethical life. We may therefore with advantage consider these in the present chapter.

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[1] Aldous Huxley, *Those Barren Leaves,* p. 377.

With this question—what ought I to do?—in its second meaning, we come to what is, in many ways, the most difficult problem of ethics—one on which, for some moralists, the whole idea of ethics as a "science" comes to grief. Ethics, it is said, has no way of telling us what we ought to do in specific cases. In reality, the moral life is much more a matter of common sense, of intuitive insight, or of art, than of knowledge or science.

Now there is just enough of truth in this position to make it necessary to examine this entire question of "moral rules" with great care. In general we have, in the history of morals, two contrasting positions. There is one represented by Kant, which bids us apply the norms or rules of conduct rigorously to each particular situation. Universality is the essence of reason, and variation from the norm, or the universal, is unreason. On the other hand, we have the more liberal position, according to which each particular problem of duty, each concrete moral situation, is unique, and can only be solved by the good sense or intuitive insight of the individual. Expressed negatively, this position tells us, in the words of Bernard Shaw, "the only golden rule is that there are no golden rules." The "quintessence of Ibsenism," the fruit of a long line of ethical studies in his "problem plays," is held by Mr. Shaw to be precisely this rule.

There can be scarcely any question that the rigorous application of moral rules represents "common sense" in one of its moods. There can be just as little question that the more liberal interpretation represents this same "common sense" in another equally fundamental attitude. How shall we solve this contradiction?

The first position is in a sense the more "logical." There is, we saw, an inherent logic of conduct according to which our world of values becomes a world of duties. But this logic extends further than this. Once the duties, corresponding to the values and rights, are acknowledged, this same logic seems to require us to argue in the following fashion. If property is an indispensable condition of self-realization, then to take property, or to steal, is wrong. Stealing is wrong; this act is a case of stealing; therefore this act is wrong. This form of reasoning has been described as the practical or moral syllogism, and for the rigorist it is as cogent as any properly constructed syllogism, in any other region of thought. Moral rules or universals are *strictly* applicable to particular cases.

CASES OF CONSCIENCE, OR CASUISTRY

There is no question that the moral reason normally works in this way, and no one would question its thus working, if it were not for the fact that moral rules or universals conflict, or at least appear to conflict. If there were no such conflicts, we should probably raise no questions about moral rules, but simply obey them implicitly and almost mechanically. To take an illustration—of two alternative acts possible to me, one is an instance of keeping promises, another an instance of saving an innocent life. I have then to decide, to the best of my ability, which is my *actual* duty in the premises or, granting that both are duties in the universal sense, which is my *paramount* duty.

Our natural and involuntary use of such expressions as "actual" duty or "paramount" duty is highly significant. We do not deny that both are duties in one very important sense of the word—namely that both are correlative to important claims or rights and to values which these rights presuppose. On the other hand, in any given situation both can not be at the same time my actual duty, or my duty in equal degree.

The recognition of this practical situation has found expression in the term *casuistry,* and in the creation in many moral systems of a body of doctrine known under that name. Casuistry may be defined as the systematic discussion of the application of moral law to specific cases (called "cases of conscience") in which such application is not certain. In this broad sense, it is an inevitable part of ethical reflection. Solution of such conflicts is necessary in the practical moral life, and some formulation of principles to guide it is a necessary part of ethics. Casuistry in the historical sense fell into disrepute and was severely attacked by Pascal. And on the whole rightly, for it had developed into a complicated system of rules for breaking rules. It is quite enough that we should require particular rules of conduct, but the formulation of rules for the breaking of rules became intolerable. The term casuistry came, therefore, to connote in many minds over-subtle or verbal discussions of the moral quality of acts and a tendency towards moral laxity. Nevertheless, some principle of solution of moral conflicts is imperative, and the only other way is to fall back upon the great fundamental law of values of which the particular commandments are but fragmentary aspects. This is the course which a teleological, rather than a formalistic, theory must follow.

It is obvious, then, that the very fact of conflict of two duties implies that they are both in a real sense duties, but also that, in the situation, only one of them can be my actual or paramount duty. In the particular conflict cited, I have given my promise, and it is not difficult for me to see how important the keeping of promises is. It is an indispensable condition of those values of association without which the moral life, or the good life as we have defined it, is impossible. But the saving of an innocent life has here a paramount claim. For while mere life is not an intrinsic good, it is yet the fundamental and indispensable condition of the realization of other values. In the scale of human values bodily life is not the most important, but it is the most fundamental of all the values. A lesser duty is annulled by a greater duty.

The principle which underlies the solution of this conflict, and other conflicts of duty of like nature, is clear. It may be described as the principle that holds that "every action is right which, in the presence of a lower principle, follows a higher." This has been called by Martineau the formal and exact definition of right and he is, I think, justified in so describing it. It is the same principle which we formulated earlier as the principle of the choice of the greater over the lesser good, the one immediately self-evident moral law, and the one which underlies any teleological theory of ethics, however it may conceive or define the good.

This is the only method of solution possible on any teleological theory of ethics. It is, moreover, the one actually followed in ordinary life. If I have to choose between abstracting a friend's revolver from his drawer, or allowing him to carry out his threat of suicide, I take the revolver without any compunctions of conscience. I do not attempt to justify my action by saying to myself, "that was not really stealing." I know perfectly well that I stole it, even if I did it for his own good. I have chosen a higher value rather than a lower. This principle is, moreover, embodied in the law. Thus, in general, the principle is maintained that contracts must be kept. This is a legal sanction given to the general ethical principle of the necessity of keeping promises. But this general principle, important as it is, is annulled by higher principles. In general any contract made under duress, or in violation of existing laws, is *ab initio* null and void. It is a principle, in both church and civil law, that a contract of marriage made under compulsion is against public policy and is invalid. The value of keeping promises and contracts is not in the least impugned. But the values of the person which are violated by such a contract of marriage, are of a higher order, and the "higher principle" or value must be followed.

THE SOLUTION OF MORAL CONFLICTS AND MORAL LAXITY

The general tendency of casuistry has been felt to be in the direction of greater moral laxity than the ordinary moral sense of man permits. Nor can it be denied that any theory of morals that permits the breaking of "moral rules" in the interest of the values of life, opens the way to such laxity. But it is not a necessary consequence if the real nature of morality is kept in sight.

In the first place, the burden of proof is always on him that makes an exception. Kant insisted that to make an exception to a moral rule is always wrong, because the essence of morality is universality. This principle, we saw, could not be carried out. But it is true that the probabilities are all in favor of the moral rule. The burden of proof is especially heavy when the solution is in the interest of the individual's own desires. It is common moral sense to say that a lie is justified only when higher values are at stake, and when it is not to the individual's own advantage.

For reasons of this sort, the situation is quite different when we are judging others from what it is when we are judging ourselves. Loyalty to one's wife, the command not to commit adultery, is, as we shall see in a later chapter, a norm which springs out of the very nature of the sex life as it is lived by developed man. It is also a norm embodied in civil law and sanctioned by religion. A violation of that norm, on my own part, the annulling of that principle by what I may call "higher values" of the person, is one which I can contemplate only at my spiritual peril. It is true that I may argue, as many do, that love between myself and my wife is no longer possible, and that to live together without love is to degrade the persons of both of us. I may argue, moreover, that love is an indispensable condition of the highest self-realization, and that the lower principle of technical fidelity is annulled by a higher principle. Men and women "have a right to happiness." I may argue thus, but I am in great peril of "rationalizing" my own conduct, of finding moral reasons for what I want to do. In such reasoning I may also ignore other personal values—of character—which are even more indispensable for self-realization.

The judgment on another is, however, of a markedly different character, simply because it is impossible to know all that is involved in the specific situation. To know all does not necessarily mean to pardon all, but it does often mean to change one's judgment upon persons in significant ways. In general, the principle, to be hard on one's self and liberal in one's judgment of others, is based on profound moral considerations. We may indeed value very highly those people who are capable of great sacrifice of bodily and personal values for higher ends, but we cannot always demand of people what we admire, still less demand of others what we would demand of ourselves. An extreme case will bring out the point of this contention. If a man is subjected to torture and endures, even unto the death, rather than betray a friend or an important secret, we may admire such qualities and be thankful that the human race has such capacities. But we cannot *demand* it of men. The limits to the bearing of pain are set by physiological conditions to a large degree beyond the control of men. The "instinct" of self-preservation, implanted for biological purposes, is imperative, and the will to the sacrifice of life for higher ends is not wholly within our control. Nature sets specific limits to what we may demand of men.

For this reason it is also a profound insight that leads us to distinguish between the person and the act, to "hate the sin and love the sinner." "Judge not that ye be not judged" is often wise counsel where it is a matter of judgment on persons, in the case of whom neither the real motives nor the intolerable pressure may be comprehensible to us. But moral judgment on the act, as such, we cannot escape. This point is of great importance in the present day, when for many lax judgment upon the individual, because of the specific character of the situation, means to change the right or wrong of types of acts themselves. Our fathers were content to recognize that their conduct was often bad, and merely to plead extenuating circumstances. Now-a-days people are not content unless, by some hook or crook, the act itself is changed from bad into good also. Of such is sentimentalism in morality made.

Finally, while a "reasonable" morality must always admit of exceptions to moral rules, it must be recognized that it is not so easy to justify the exceptions as appears at first sight. It is, in fact, extremely difficult to show that a given exception to a moral rule *will* result in greater good than will adherence to the rule. Ruskin has described this situation in the following impressive words: "No man ever knows or can know what will be the ultimate result to himself or to others, of any given line of conduct. But every man may know, and most of us do know, what is a just and unjust act. And all of us may know also, that the consequences of justice will be ultimately the best possible, both to others and ourselves, though we neither can say what *is* best or how it is likely to come to pass." (*Unto This Last.*) St. Crispin may have been sure that to steal leather from the rich to make shoes for the poor would result in greater happiness or good in the immediate present, but by what calculation could he foresee the ultimate effects of his violation of the respect for property? A doctor may be sure that allowing a patient to die means greater happiness and less pain in the immediate present, but by what calculation can he determine the ultimate effects of a lowering of the sacredness of the right to life?

Reflections of this sort in no sense involve the abandonment of a teleological for a formalist point of view. They mean merely that, even from a teleological point of view, the place of moral rules in the ethical life is a fundamental one.

IS MORALITY THE ART OF LIFE?

There are those who see in the facts we have been considering the proof that ethics is not a science, but at most a matter of common sense, of intuitive insight—of art rather than knowledge. The only golden rule is that there are no golden rules. Moral rules, such as they are, are made for life, not life for moral rules. Life is a free, creative process, and full and generous living spurns all moral rules. Genuine moral life, like all life, is free creation of values and is therefore more akin to art.

Now it will be agreed by all that no moral rule, or number of moral rules, will excuse us from using common sense and sympathetic insight or intuition. There are no "fool-proof" moral rules that can be applied without intelligence and knowledge to the complexities of human life. To say, if my wife must die of the truth, let her die, is surely a case where the principle of respect for and obligation to the truth, was not fool-proof. Again, all would agree that if there are valid moral rules, duties of a universal character, they are surely not of such a character that they can be applied mechanically, without the consideration of the particular situation and without considering the possibility of exceptions. The moral syllogism is such a mechanical application of principle and as such, like all mechanism, inimical to life. It is only by recognition of this principle that we can escape both moral error and moral absurdity. But when it is said that moral rules are made for life, not life for rules, it is still recognized that *moral rules do exist and in so far as they serve life they are valid.*

This truth no adequate conception of morality can afford to overlook. There is undoubtedly a sense in which the moral life is an art. Just as the greater and more accomplished the artist, the less he is concerned with the slavish following of rules, so the greater the development and insight of a moral being, the less is he concerned with external rules and the more he is preoccupied with ideals and values. No one needs rules for the performance of anything that he has very much at heart. The rules of conduct, in any field, whether of life or of art, are important for us, as such, in proportion as our interest in the ends for which the rules are the means, is small. A serious student does not need rules for study, and a moral genius or saint does not greatly need rules of conduct.

But the fact that in an art, such as painting or sculpture, the accomplished artist transcends the rules and in the end swallows his own formulas, often hides from us the fact that he *can* swallow them only because he has first learned them and subjected himself to them. At the basis of every art there is an element of "science." However changing an art such as that of painting or music may be, back of the changes lie certain structural principles which every great work of art embodies and shows forth. It can scarcely be otherwise with life. After all, men remain men and women women, and the basal relations cannot in reality greatly change. He that will make of life an art will also seek the structural principles of life, else that which he creates, whether of performance or of character, will, like the bizarre creations of the "untrammelled" artist, carry their untruth on their face. Of such bizarre creations one can only say, "interesting, but not important."

THE NATURE OF DUTY.

* F. Paulsen, *A System of Ethics*, Bk. II, Chap. V.
* J. S. Mackenzie, *Manual of Ethics*, Bk. III, Chap. III.
J. Laird, *Study of Moral Theory*, Chap. VII.
H. Rashdall, *Theory of Good and Evil*, Bk. I, Chap. V.
B. Bosanquet, *Some Suggestions in Ethics*, Chap. VI.
F. H. Bradley, *Ethical Studies*, Essay V.
Aristotle, *Nicomachœan Ethics*, Bk. II.

THE PLACE OF RULES IN THE MORAL LIFE.

* E. F. Carritt, *The Theory of Morals*, Chap. XIII.
* J. Dewey, and J. H. Tufts, *Ethics*, Chap. XVI, pp. 325-335.
H. Sidgwick, *Practical Morals*.

CHAPTER XII

THE ECONOMIC LIFE
PROPERTY: ITS DUTIES AND ITS RIGHTS

No effective study of duties and rights is possible, we have maintained, except in connection with the particular institutions of society with which they are functionally related. To formulate tables of rights and duties in the abstract, without reference to specific institutions of society and specific stages of social development, has a certain value; it gives us a total view of the moral life of the individual and of the moral order of which he is a part. But we cannot go far in determining specifically, either what we ought to have or ought to do, until we study the institutions which they presuppose and with which they are teleologically related.

There are, we have seen, human rights or claims connected with all the values which make up the system of human ends, covered by the term total self-realization. Rights and duties being strictly correlative, there are also duties directly connected with all these values, embodied in law and the legal system; they are also all to a degree institutionalized. Of all the forms of life, however, that have become thus institutionalized and legalized, there are two which, from every point of view, may be said to be fundamental. These are the economic life and the life of sex, or the institutions of *Property* and the *Family*. They are fundamental from two important aspects.

In the first place, from the standpoint of the individual, the business of getting a living, of marriage and the raising of a family are, normally at least, the basal functions and the indispensable conditions of the securing and developing of all other values. From the social point of view, on the other hand, they are the first "instincts," or functions, to be socialized and institutionalized; and about them crystalize first the customs or *mores* of primitive societies, and later the laws of civilized states. The *mores* of property and the family are basal in all tribal life, and the laws of property and of the family are probably the most constant and unchanging in the civilized life of man.[1]

THE ECONOMIC LIFE IN GENERAL

Emphasis upon the ethics of the economic life is the outstanding characteristic of the moral thinking of the last half century. This has been due in part to causes that in a sense lie outside the sphere of moral science as such. There has been, on the one hand, an enormous development of economic activity, out of all proportion to the growth of the other sides of human life. The tremendous speeding up of the processes of production, the unheard of accumulation of wealth, have inevitably resulted in giving the values of wealth a privileged position in the scale of human goods. On the other hand, the novel methods of production, and the development of the capitalistic system which they necessitated, have led to the concentration of capital, to the development of new forms and new conceptions of property, and to entirely new problems of distributive justice and of property rights.

Criticism of the competitive and capitalistic system has been the outstanding feature of recent decades. Much of this criticism has been from a purely economic point of view, but a large part, and in the last analysis the most significant part, has been from the standpoint of ethics. From the economic point of view, it has been criticized for its wastefulness, for inefficiency both in production and distribution, and is even held, by Karl Marx and many since him, to be essentially self-defeating economically and destined to pass over into another economic system. From the ethical point of view, on the other hand, it has been chiefly criticized as the fruitful parent of unethical business practices, as tending to reward and give approval to only the lowest of moral qualities or virtues, of involving the suppression of personality, and the denial among the masses of opportunity to develop to the full their intellectual, ethical, and esthetic natures.

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[1] "Property, marriage and religion are the most primary institutions. They began in folkways. They became customs. They developed into mores by the addition of some philosophy of welfare, however crude. Then they were made more definite and specific as regards the rules, the prescribed acts, and the apparatus to be employed. This produced a structure and the institution was complete." Sumner, *op. cit.* p. 54. See also W. H. Rivers, *Social Organization,* p. 5.

These causes would have, in themselves, been sufficient to bring about the present emphasis on economic morality. But there were also changes in ethical thought which tended to bring the economic life of man into the foreground. The temper of ethics has become increasingly *realistic* and scientific in the sense that it considers, not only what men ought to do, but also what they can do in a given situation. It not only recognizes that the bodily values—and therefore the economic goods instrumental to them—are basal, the indispensable conditions of all other values; but it recognizes also that when these are lacking, the "higher" values are impossible or at least increasingly difficult of realization. Moral statistics show us, for instance, that desertion of wives among the laboring classes varies with good and bad times, that there is a connection between prostitution and low wages among women workers.

Facts of this sort do not necessarily mean "economic determinism" or necessarily imply lack of freedom in the individual case. Statistics have reference only to aggregate regularity and this regularity is combined with individual irregularity; from statistical trends no inference can be drawn regarding the individual case. What such facts do make clear to us is, that ethical problems cannot be separated from economic. The moral life is not lived in an economic vacuum.

THE ECONOMIC LIFE. DEFINITION

The term "economic life," as we have used it in the preceding paragraphs, may best be defined in terms of the recognized fundamental processes of economics. These are production, distribution, and consumption. Production of what are called the necessaries and the luxuries of life, their distribution among those who make up an economic community, whether conceived of as local or world-wide, and finally the consumption of these goods by the economic community, by the producers themselves or by others if the community contains non-producing classes.

From the ethical point of view, rights and duties are connected with all phases of the economic process or the economic life. The producer, whether conceived of as the manual laborer or the *entrepreneur,* has certain rights growing out of his function as a producer, and certain duties correlative with his rights. Roughly speaking a man has a right to the fruits of his labor, however difficult it may be to determine the nature of that right in a complex economic order. Ethically there are right and wrong ways of distribution. One of the chief problems of justice, we have seen, is that of the just distribution of the goods of life. Finally, consumption has its ethical side also. Consumption may be wasteful, both from the economic point of view of production and from a more social and ethical point of view which takes in the larger ends of life. It may also be vicious, not only in the sense that it is conducive to the weakening of what are called conventionally virtuous habits, but also in the sense that it is inimical to the ends of society itself.

There are, then, ethical aspects to all three phases of the economic process. In exploring the rights and duties of the economic life we might then naturally and logically proceed by considering them under these three heads. This is the method followed by J. A. Hobson in his *Work and Wealth,* a book which could be read with great profit in connection with the discussions of this chapter. A simpler and more satisfactory procedure for us is to consider these same problems in connection with the institution of property. For one thing, our present economic life (or system, as it is called) is bound up with the institution of private property and presupposes it. It is, of course, abstractedly conceivable that the institution of private property is itself inherently wrong and may ultimately be abolished, but rights and duties are relative and functional—relative to the institutions of society—and economic life, as we know it, is bound up with the institution of private property.

WEALTH AND PROPERTY. THEIR RELATIONS

From the purely economic point of view, wealth is the central conception. Wealth is a general term for anything that satisfies a human want directly, or may be used in the production of anything that satisfies wants. It is sometimes defined as the sum total of consumable goods. As such, it is a good or value, although, as we have seen, instrumental and not intrinsic. It is natural to infer that the same value that belongs to wealth applies also to property, for all wealth is possessed by some one or some group. The sum total of property would then be identical with the sum total of wealth.

It is generally recognized, however, that the value of property cannot be directly inferred from the value of wealth. Wealth means enjoyment of goods and satisfaction of wants. Property means the title to the exclusive use or possession of goods. Thus, things may be privately owned and privately used, publicly owned and publicly used, or privately owned and publicly used. The value of wealth may be to a large extent determined by the way it is owned. It is possible that the increase of private property may involve increasing exclusion of part of the community from wealth, although the owners of the property may be increasing their own enjoyments. The wealth of a community is by no means equal to the sum of its private property. From the ethical point of view, the problems of the ethics of the economic life revolve about the institution of property.

DEFINITION OF PRIVATE PROPERTY

It is accordingly with the principle or institution of private property that we are primarily and chiefly concerned. The fact that it is not self-evidently a good, but for many minds is perhaps the chief of evils—bringing with it a whole chain or system of moral and social evils—has always required, in the days of Plato no less than of Karl Marx, that the entire basis of property right should be examined. So far as the institution of private property as it functions today is concerned, it may be defined as follows: *It is the instinct of acquisition, functioning in a social individual, in a social medium, with social consent.*

From this definition we may pass directly to the legal definition. The right to private property is the right to call upon the organized force of society to prevent unauthorized persons from enjoying certain commodities. Ownership, therefore, includes the specific rights and titles that are protected by the above sanction. The essence of this legal right "lies not so much in the enjoyment of the thing as in the legal power of excluding others from interfering with such enjoyment." [1]

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[1] Holland, *Jurisprudence,* Chap. XI, p. 61.

THE HISTORY OF PRIVATE PROPERTY

There are those who think that by going back to the origins of the institution of property we can find grounds either for its justification or condemnation. The fallacious character of this idea as a general principle has been pointed out in several connections. If we should go to the animals for hints as to how to live our lives, we should all be communists. One reason why Walt Whitman likes the animals is that "they do not have the mania for owning things." Similarly, if we should go to primitive peoples for our norms we might all be communists, but it would be a communism of poverty, for there can be little doubt that, whatever else it has and has not done, private ownership has done much to produce the goods upon which men live. On the other hand, it is just as fallacious to appeal to a primitive "instinct" or primitive ownership to justify private property today. Whether there is or is not an instinctive basis for private ownership, we know that instincts are to a large degree modifiable, and we know also that the origin of a thing has nothing to do with its present value. The study of the history of an institution serves as a basis neither for its condemnation nor approbation, but merely for its understanding.

The first forms of property are lost in the mist that envelops the beginnings of the human race. The classical dogma of universal primitive communism is now generally abandoned. It is probable that there has always been, even in the most rudimentary societies, some recognition of private ownership, but it has been limited to personal property of the more intimate kind—that which is a part, or extension, of one's own body. One's bodily covering and ornament, one's weapons and one's tools, which are but artificial extensions of one's hands—and often one's woman and the fruit of one's body—have been felt to be one's own, one's *proprium*. But this feeling of ownership rarely, if ever, extends to the means of subsistence, or to the land on which the primitive tribe or horde roams, and from which it gets its living. The right to subsistence is, as Westermarck tells us, recognized in some measure in all primitive societies. Among the Eskimos about Behring Strait and among the Greenlanders, there exist at the present day customs that specifically recognize this right.

The forms of property among primitives are, then, exceedingly variable and irregular. Generalizations regarding uniformities in the *development* of the institution are also difficult and dangerous to make. So far as we can see, however, it is likely that private property in land is the first form of private ownership to receive assured recognition. The Solonian code, for instance, does not recognize personal property as a permanent possession and is at pains to minimize the obligations connected with it; while, on the other hand, it is much concerned for the protection and maintenance of property in land. It is probable that property in land, at least on any large scale, arose out of conquest of one tribe over another. Land assigned to individual families, gradually passes over into independent possession. On the other hand, portions of land are assigned to servants or bondsmen, and this feudal tenure also gradually passes over into independent ownership.

The ancient world was essentially agricultural, and property in land was the form of private property to receive the chief attention in law. But this ancient world itself saw the gradual rise of a new form of personal property whose growth was closely bound up with the distinction of classes, and more especially with the formation of a class of free artisans—namely *private capital*. Private capital—the surplus of the products of labor, laid up in money or some other means of exchange—then attained to more and more importance. Roman law in particular was largely occupied with measures for its recognition and protection, and secondarily also for the prevention of its abuse.

These two forms of property, land and private capital, continued under approximately equal conditions of legal protection. But it was not until quite recent times that capital attained its outstanding importance. With the industrial revolution of the eighteenth century, came a complete shift in the center of value of property, attended by the most wide-reaching ethical consequences. The rise of modern capital is one of those "new occasions" which bring with them new problems of duty and of right.

GENERAL CONCLUSIONS FROM HISTORY

The history of the institution of private property can, in itself, throw no light on the question of its ethical value or validity. But it brings into high relief two aspects of the institution that cannot be ignored in any attempt to understand it. The first of these is the *changing character* of the institution. True, there has always been some kind of private property, but the particular things that may be privately owned have greatly changed. They have greatly changed in the past and, for all that we can see, may be expected to change in the future. The right of property is in this sense relative and functional—functional to the state of development of society.

In the second place, as the things that may be privately owned have greatly changed, so also have changed our ideas of the *meaning* and value of ownership. In primitive times the feeling of ownership, in the sense that the object or *proprium* is a part of one's self, was confined to a man's most intimate personal possessions, and did not extend to the things that he used in common with the rest of the tribe. In later times this same feeling of ownership was merged with the feeling of family. It is only in the latest times that the feeling of *personal* possession has been extended to great tracts of land and to accumulations of capital. In the earlier stages of the development of the institution of property, the characteristic conception was that of *property for use.* It is only on the latest stages that the notion of *property for power,* always associated more or less with ownership, has, with the development of capital, extended itself to monstrous proportions and, to some degree at least, taken the place of earlier feelings and conceptions.

THE ETHICAL BASIS OF PROPERTY RIGHT

This notion of the changing conception of property right leads us naturally to the entire question of the validity of private property, or the ethical basis of property right.

The most popular notion is still the so-called *Labor Theory.* According to this view, it is human labor that alone creates utilities or usable objects. Nature provides us with potential good, but some measure of labor is necessary to make this good available to man. The labor theory is essentially intuitional in principle. The small boy who pulls a string of fish out of the river feels that they are his. His effort has given him an inherent right to the products of that effort. The classical expression of this theory (for English-speaking thought at least) is that of John Locke. He held that under primitive conditions a man can acquire a property right by appropriating goods of which no one has possession and "mixing them with his own labor." Thus a savage could collect some acorns or fruits in the woods and they would rightfully be his property. Locke, to be sure, thought of property only as property for use and was inclined to deny the right of the savage if he appropriated more than he could use. This is the feeling and theory that underlies the practice of primitive communities and found expression partly in our own earlier homestead laws. It was the feeling also that underlay, as we saw, the appeal of the squatters to "Nature, God and Country," in the episode of early California life.

It is important to recognize that this formalistic and intuitionist view of property right is not associated necessarily with either a conservative or a radical view of private property. Both individualists and collectivists have appealed to it as the major premise of their arguments. The Marxian economic system, for instance, is built upon two definite foundations. On the one hand, it is an amplification of the labor theory of value which, from its first faint beginnings in Locke, had become, in the hands of Adam Smith and Ricardo, the base of classical economics. On the other hand, it is an argument that surplus values, really due to labor power, are "stolen" from the latter by the capitalist.

The individualist of course finds this labor theory of property right congenial and often appeals to it as a last resort to establish the inviolable nature of property right. He finds it extremely difficult, however, to apply it to the complex conditions of the property system of today. In fact, he cannot do it at all without calling into play an auxiliary theory of "inherited desert," the untenability of which we have seen in Chapter X. The *reductio ad absurdum* of this entire theory may be seen in the remarkable words of Henry George in his *Progress and Poverty.* "Nature gives wealth to labor. She fills the sails of the pirate as well as of the merchantman or missionary bark. . . . The laws of nature are the decrees of the creator." In other words, it would appear that the pirate, in virtue of his hard labor, has as good a right to the proceeds of his toil as the merchantman or the missionary. It is not surprising that in view of the difficulties of this theory, individualists tend to fall back on the purely legal conception of occupancy, or on the purely pragmatic notion that private property is economically best.

The socialist or collectivist who appeals to this principle escapes these difficulties, of course. He attacks the whole idea of inherited desert. He insists that the major part of wealth is socially created and constitutes therefore an "unearned increment" which individuals have not created. But the labor theory creates difficulties for him also, of another sort. These difficulties appear in the Marxian theory of value. If labor alone creates values, and therefore on the "labor theory" determines the right to these values, Marx was compelled to deny that profit results from the capitalist who lends money and the trader who conducts the processes of exchange. As an economic theory, it was unable to explain value in the sense of price. Economists have in general united to reject Marx's views. In any case, the labor theory is at best an ethical rather than an economic truth and it is from this standpoint that we must here view it.

THE ETHICAL VALUES OF PROPERTY RIGHT

Unless one takes the formalistic view of right the only justification of the right to private property is to be found in its instrumental or teleological value. Wealth, of which property is a specific form, has itself only instrumental value, and property shares that character. In our criticism of Kantian formalism we found that it is true that we cannot conceive the act of stealing as universalized, but only if we assume the institution of private property to be a good, to be the indispensable condition of the good life.

Teleological theories of property right may be utilitarian in the narrower sense. From the economic point of view, it is argued that the motive of acquisition and the institution of private ownership alone make possible that individual initiative necessary to maintain production on a level sufficient, not merely to make possible economic progress, but even to assure a supply of goods necessary for human well being. But they may also include in their conception of utility "higher" values of a more distinctly ethical character. From this point of view the chief values of private ownership are generally recognized as two. We may describe them as the value of *security* and of *self-realization*.

The labor theory makes much of both of these motives and values. It points to the need of security that lies back of the instinct and activities of acquisition. Even in the animal world is to be found a certain elemental foresight which leads to the storing up, as in the case of the squirrel, of food for future use. In human society this same instinct or desire for security persists, greatly modified and developed through conscious intelligence, to include not only security for one's life as a whole, but for one's offspring, through customs and laws of inheritance. The ethical value of such security, in freeing the self from the hand to mouth existence so inimical to its higher development, and the moralizing character of ownership in developing responsibility, through giving the individual "a stake in the community," need no special emphasis.

The ethical value of economic security, is then the primary value of the institution of private property. It is not to be denied that "ethical equivalents" for physical possession are possible, in the development of more stable wage systems and in various forms of insurance against the changes and chances of this mortal life. It cannot be denied that the ethical value, in this sense, of private property is not bound up with specific forms of property right. But the fact remains that private property has had an important moralizing function in the past—and, so far as we can see, will continue to exercise that function in the future.

But a further ethical value is to be found in the values of self-realization, bound up with the acquisition and manipulation of property. This too, the labor theory has always emphasized. It has pointed out that the acquisitive instinct is deeply rooted even in the animal life. The bird claims the nest, and even the whole tree as his own, and the dog guards his kennel with his life. The labor or effort put into acquisition is itself a moralizing function, and the identification of the product of one's effort with one's personality expands and heightens one's self-realization.

The reality of these values cannot be denied. It is true that here also higher ethical equivalents may be found for this primitive form of self-realization. The opponent of the institution of private property meets this argument for its value by insisting (rightly to a degree) that, while self-affirmation will always be a part of the nature of man, affirmation and expression of the self through acquisition are conditioned by the specific life in which we live, and could be conceivably turned into other channels. He points out that certain classes of men work for wholly other motives than those of profit and that acquisition of property has no place in their scheme of the good life.

All this is true. There is no inherent reason why acquisition of property should remain a necessary condition of the moral life of man. Even if the acquisitive impulse is an instinct, instincts are modifiable, and there is no inherent reason why human nature should not be greatly changed in this respect. The fact still remains that for the great masses of men acquisition is one of the chief sources of self-realization and one of the chief moralizing influences. Until we actually find ethical equivalents for the acknowledged values of property right, that right is likely to remain, in some form, the indispensable condition of self-realization.

PROPERTY FOR USE AND PROPERTY FOR POWER

The ethical value of security is associated with the notion of property for use, that of self-realization with the notion of property for power. Property for use is undoubtedly the fundamental conception; for property, like all economic goods, has only instrumental value. On the other hand, property for power can scarcely be excluded completely from any adequate theory of property right.

The will to power in man is part of the fundamental will to life itself, and it is inevitable that it shall express itself in connection with every form of life. To this property is no exception. But after all, the primary function of property is for use. As an indispensable condition of life itself, to say nothing of the good life, the moral sense rightly feels that to play with property as with counters in a game, for the realization of one's own sense of power, is essentially immoral. The importance of this distinction between property for use and property for power has become even greater with the tremendous accumulations of capital of the modern world, and their concentration in a few hands, often in the hands of a single individual. It has been pointed out that it is doubtful whether any individual should have the right to the control of such fortunes as are characteristic of the present, because no man has the imagination to penetrate to the real meaning for others of the millions or billions which he controls—the effort and labor they stand for, and the consequences for good or ill, often for life and death, on the millions of selves which this property represents. It is often maintained, as against Marx's prediction of the growing concentration of capital, that with the increase of capital there is a corresponding widening of the circle of small shareholders. But that is to forget what many economic students have recently pointed out, namely that, although the circle of ownership is widened, the power of control is more and more centralized in a few hands. In any case, it is obviously at this point of *property for power* that the chief limitations of property right must in the future be made.

RESPECT FOR PRIVATE PROPERTY. THE SACREDNESS OF PROPERTY RIGHT

Reflection upon the real basis of property right, and its essentially functional and instrumental character, enables us to see the true meaning of what is called the *sacredness* of private property and of property rights. Such respect as the institution may demand of us arises from no intrinsic quality in property itself, but solely and entirely out of its teleological relation to the ethical end.

Jaurès, the great French socialist once said: "You speak of the sacredness of property. We must first know what property you mean." There is no inherent sacredness in property, and some forms of property do not rightly demand our respect. Property in slaves does not call forth our respect because we now see that there can be no valid private property in human beings. The things that may be privately owned have actually greatly changed in the past and may conceivably, and in all probability will, greatly change in the future. Some forms of property now are, as such, not worthy of respect. If we respect them at all, it is only because, for the time being, they are still conserved by law, and share in that respect which the institution of law as such demands.

SOME PRINCIPLES OR NORMS OF PROPERTY

The acceptance of a teleological theory of property right, and the expression of that theory in terms of self-realization, leads naturally to the idea that it is possible to formulate certain general principles to determine our interpretation of its rights and duties. This is, I think, possible, and I shall attempt such a formulation. They would, I think, *as principles* in general be acknowledged.

Every member of society, it would generally be admitted, has a right to share in the values of society. In so far as the enjoyment of economic good is an indispensable condition of the realization of these values, the right to share in that good, *in some way,* is implicit in the moral ideal. Economic goods, it is true, cannot directly purchase either "virtue" or "happiness," but both virtue and happiness depend upon them to a much greater degree than people like to admit. In spite of the fact that the "higher" values of life cannot be directly and immediately procured by wealth alone, it is none the less true that in modern civilization all other values are indirectly dependent upon it. The increasing recognition of these facts has given rise to the principle or norm described, a norm which is not only an ideal, but also a fact, in the very important sense that it is widely operative in the social and political activity of the time.

The general acknowledgment of this norm has also resulted in a wide-spread dissatisfaction with all forms of private ownership that make its realization impossible. So keenly is this dissatisfaction felt that it has found expression in two wage theories called respectively the "vagabond wage" and the "minimum wage." The wage system, it must be remembered, is the form in which a large part of the wealth of society is distributed in our modern economic process, and wage thus becomes a form in which this wealth is privately appropriated and owned.

The idea of the vagabond wage is an extreme expression of the norm that every member of society has a right to share in the economic values of society. It expresses the belief in the inherent right of the individual thus to share, irrespective of any contribution to society whatsoever. Formulated by anarchistic communism, especially by Kropotkin, it is nevertheless seriously considered by certain social thinkers, of whom Bertrand Russell may be taken as an example. In a sense it is a revival of the principle of the right to subsistence, as more or less recognized in primitive societies. It proposes that the fundamental necessaries of life shall be available to all in the way in which water is available at present. To most minds it seems a wholly fantastic conception, impossible of realization both on account of the physical conditions of production and the psychological nature of man—in short the niggardliness of nature and the natural laziness of men. Arguments of more or less weight have been developed to meet these objections, arguments into which we cannot go at this point.[1] From the purely ethical point of view, the objections are obvious. If rights and duties are correlative—and it seems impossible to take any other view—then a right to share in the economic goods of society would seem to imply a corresponding obligation to contribute to the goods of society directly or indirectly. The old maxim, "if a man will not work, neither shall he eat," is not lived up to in our competitive and capitalistic civilization, but that does not prevent it from being normative in both thought and conduct. Socialist thinkers accept the principle, and while they acknowledge the norm of the right to subsistence, they also insist upon the obligation to labor.

Of quite another character is the principle of the minimum wage. This principle assumes as the condition of the right to subsistence the obligation to contribute to production. But it also insists that the degree to which commodities are shared shall not be determined by the law of supply and demand alone, but by the necessities of a decent standard of living. This idea of the minimum wage has been discussed under the head of the rights of labor. In this connection we shall simply call attention to certain facts that bring out its character as a norm in present-day ethical thinking and conduct. The principle itself is upheld by conservative and radical thinkers alike. It is, for instance, the first principle of the British Labor Party in its official platform [1] and is the goal of much of the activity of the entire labor union movement. But it is also, on the other hand, a basal principle in the *Papal Encyclical on Labor,* which is the authoritative basis both for thought and conduct in the Roman Catholic Church.[2]

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[1] See Bertrand Russell, *Proposed Roads to Freedom*, Chap. IV.

The second ethical norm in connection with wealth and property is the principle that personality shall always be put above property—the values of the person above the values of property. This principle springs indeed from the intrinsic relations of values as determined by the laws of value themselves.[3] But it is historically the product of the growing emphasis on personality in modern life.

This second norm is no less generally recognized than the first, and its increasing acknowledgment is reflected in the legislative enactments of all modern states. The major part of recent social legislation expresses this norm. Laws regulating age and sex of labor, and the hours and conditions under which labor shall be carried on, have indeed their social aspect. One of the chief forces leading to the extensive social legislation in Great Britain under Lloyd George, was the discovery and recognition of the frightful physical and mental deterioration of great classes of British workmen, as discovered in connection with the recruiting for the Boer War. But underneath it all was a deliberate recognition that rights of the person outweighed rights of property, and if already existing rights of property had to suffer, suffer they should. The same principle finds expression in international law. Violation of the rights of property of our nationals by the British government in the World War, called forth our expostulation. But the violation of rights of life and person, through the sinking of the Lusitania, was immediately recognized as on another level, and constituted our chief ground for declaration of war against Germany.

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[1] Chapter IX, pp. 204 f.

[2] J. A. Ryan, *The Church and Labor,* in which the *Encyclical* is to be found.

[3] Chapter VIII, pp. 170 ff.

There is a third norm of the economic life which there will be some disposition to dispute, perhaps, but only, I think, when it is not understood. It is that acquisition and accumulation of property or wealth should not be ultimately and permanently separated from the functions of consumption with which they are normally related. The normal function of wealth and property is instrumental, and when the production of wealth and the acquisition of property become ends in themselves, they tend to become self-defeating, as do any activities that involve the vicious abstraction of turning means into ends.

The violation of this norm in the individual life takes two forms—apparently quite different on the surface, but in reality closely related—the vice of the miser and the vice of property for power. The virtue of thrift is functionally of great importance, both for the values of security in the individual life and for the accumulation of the means of production in the larger life of an economic society. Miserliness is excess or hypertrophy of that virtue. The acquisition of property is a means, though perhaps a lower means, of self-realization. The pursuit of the power of wealth for its own sake is again a case of hypertrophy in a quality or disposition not without its instrumental value. The miser is oblivious to the consumatory value of the riches he piles up unused. The man who seeks wealth for the power it gives him, is insensitive to what the wealth he manipulates represents in potentialities of good or ill for his fellow men.

The violations of this norm in the individual life have always been recognized and their immoral character understood. More important still is the fact that this norm is increasingly recognized in our judgments upon the economic life of society as a whole. Moralists and publicists unite in stigmatizing modern capitalistic societies in which production for its own sake has become the primary and overmastering motive. Decades ago Carlyle described his own period as one in which "things are in the saddle and ride mankind." In more recent years, Tawney has described our present economic order as an acquisitive society and speaks of the "sickness of an acquisitive society." Hypertrophy of any function in an organism, as for instance in the human body, may mean abnormality; and over-development of the acquisitive instinct in a society undoubtedly brings in its train evils which society must in the end correct.

PROPERTY: ITS RIGHTS

The foregoing principles or norms are, it can scarcely be doubted, increasingly recognized or acknowledged in modern societies. It is true that the economic life of man is full of monstrous violations of all of these principles, but the public conscience is increasingly sensitive to these violations. Any one who reflects upon the discussions constantly carried on in the industrial life of the present day cannot fail to be aware that these norms are assumed, either explicitly or implicitly.

With the acknowledgment of these norms, there is likewise an increasing recognition of certain rights and duties that spring from them. So far as the rights are concerned little need here be said. There is little disposition in modern societies, other than communistic, to impugn in principle the fundamental rights or claims that grow out of the ethical basis of property as already described, and which have been embodied in the law. The basal right to acquisition of property and protection in its use, although no longer generally based upon conceptions of natural or inherent right, is none the less still recognized as an indispensable condition of the best life. It is rather in the reinterpretation and in the limitation of this right that the working of these norms is seen.

It can scarcely be doubted that the right to acquire and use property has been modified by the increasing recognition of all these norms. The principle of the minimum wage is slowly but surely passing from the status of a pious hope to that of an acknowledged claim. The "rights of consumers," as they have been called, are no longer merely a sentimental phrase. The principle of service to the consumer, of service instead of mere profit, although often exploited by men with their tongues in their cheeks, is none the less more and more recognized as a principle of "business ethics." Considerable water has run under the bridges since the time when a head of the sugar trust could say, with any hope of general assent, "I don't give a damn for your ethics. My business is to make sugar and as much of it as possible." The change that has been going on is undoubtedly due partly to economic necessities of a very definite kind. As business organizations have become more and more national in scope, of the nature of institutions whose life will extend far beyond the lives of those by whom they are at present carried on, part of business policy becomes necessarily the securing and maintenence of "good will" that shall extend far beyond the life of a generation. But here, as elsewhere, the economic aspect is only one phase of the total situation. This change, of which there can be no reasonable doubt, is equally the result of a growing realization that in any rational economic order, production cannot be an end in itself, but must ultimately be subordinated to the primary ends of consumption.

The point at which property rights have been most obviously and definitely modified by the normative consciousness of man is in connection with the principle of subordination of property to personality. Limitation of property right has, to be sure, always been acknowledged. The right to do what one will with one's own, has always been limited by the principle that such use shall not interfere with the rights of others. But the claims of the person, as against vested property rights, are constantly more and more recognized both by public opinion and in law. Illustrations of this fact are too numerous to mention. It must suffice to refer the student to the principle of modern law as described by Judge Cardozo in Chapter VIII.

The readjustment of the notions of property right in the light of the growing ethical consciousness of men is one of the outstanding features of the present era. It is, however, in the realm of duties that the greatest enlightenment and clarification has come. The principle of the correlative character of rights and duties (Chapter XI), although sometimes questioned when formulated to mean that wherever there is a duty there is a corresponding right, has been generally accepted as axiomatic in the sense that every right implies a duty. This axiom has in principle always been recognized in connection with the institution of private property. The present problem is to reinterpret this principle in the light of the changing forms and notions of property.

PROPERTY: ITS DUTIES

The principle that rights imply duties has, so far as property is concerned, expressed itself in the following two norms of duty: (a) The possession or enjoyment of property presupposes activity of some kind; (b) the possession and enjoyment of property entails the obligation to use it for the common good.

The first of these has been already considered in our discussion of the concept of the vagabond wage. Work of some kind, we found, is presupposed if enjoyment of the necessaries, to say nothing of the luxuries of life, is to be ethically justified. In a capitalistic society there are numerous and glaring exceptions to this rule. Expediency doubtless requires that society should carry along a certain proportion of drones. The type of thinking that would argue for the forceful elimination of the non-workers and for a drastic reconstruction of society, in which all shall become proletarian workers over night, can commend itself only to a dogmatic Marxian. On the other hand, it is equally true that the fiction of inherited desert, on which the enjoyment of property without any corresponding activity can alone be justified, is becoming increasingly recognized for the fiction it is. An increasing discomfort of conscience, especially among the youth of the present day, is observable wherever there is enjoyment of wealth without corresponding activity. In a highly complex society such activity may and must take many forms. Economic activity is not the only productive activity in any broadly human sense of the term. But some form of socially useful activity there must be.

The second notion is in reality the very old and homely notion of *stewardship*. Under the dominance of religious conceptions the sense of duty is clear. "It is not my own hand that has gotten this wealth," but "it is God that hath given the power" to get it. Such sanctions have been very powerful in the past and we have no means of knowing just how powerful they are today. But even in the case of those who are not influenced by such principles, there is still a conception of stewardship. It arises out of an increasing recognition of the principle of the "unearned increment." Enlightened economic insight makes it ever more clear that, under present conditions at least, a large part of the wealth acquired by any individual is socially created, and cannot in any intelligible sense be referred to the labor of the individual. It is on the basis of this conception that a large part of modern social legislation has been inaugurated. But it is also the motive of the voluntary distribution of wealth in various ways which is a characteristic feature of the present day.

PRACTICAL APPLICATION OF THESE NORMS

The general principles that should control the production of wealth and its distribution, the acquisition of property and its use, are clear enough, if not wholly self-evident. It is when we come to the application of these principles to the particular problems of a complex economic and social structure that the difficulties arise. It is, as we say, a condition not a theory that faces us. The real problem is what I ought to do in the specific situation. This is, of course, merely an application with regard to a specific institution of the general problem of the place of rules in the moral life.

It would manifestly be impossible to work out in detail particular problems of duty in the manifold relations and circumstances that constitute modern life. Instead, we shall suggest certain consequences that follow from the norms and principles above developed.

Let us take as a concrete illustration the simplest of all rules in connection with the right of property: Thou shalt not steal. In a primitive economic society the distinction between *meum* and *tuum* is simple and clear. The commandment, thou shalt not steal, is not elaborated in the decalogue: everyone knows what stealing is. The moral syllogism gives us little trouble. To be sure, questions of casuistry arise on the simplest levels. Was the saint right in stealing leather from the rich to make shoes for the poor? Is a man justified in stealing a weapon in order to prevent murder or suicide? Although questions such as these may present disturbing problems to the conscience of the individual, they are nevertheless soluble in principle, and the principle on which their solution is to be sought is clear enough when we understand the nature of moral values and of the obligations that spring from them. The difficulty of applying moral rules really becomes serious only on a complex level of economic development when changing notions of property and property right throw us into confusion.

The difficulty on a complex economic level is not with the principle that stealing is wrong, but rather with the question, just what constitutes stealing. To revert for a moment to our moral syllogism:

Stealing is wrong,
This act is a case of stealing,
Therefore this act is wrong.

The problem here is obviously whether the act *is* a case of stealing. A man, let us say, or a group of men, get control of the majority of the stock of a corporation and, by manipulation of the stock, make worthless the holdings of a large number of individuals who in good faith have invested their earnings in the stock. Certain practices of this sort are taken cognizance of by the law; others are not. To call such sharp practices stealing in any legal sense would be a misnomer. But from an ethical point of view there can be no question. In our society, as constituted, property is an indispensable condition of the moral life. To take that property, by whatever means, without an equivalent, or without due process of law, is stealing in any intelligible ethical sense of the word. It is a violation of the respect for property, which in the end goes back to a violation of respect for the person for whose self-realization his property is an indispensable condition.

The necessity of thinking things through—of passing from conventional conceptions, developed in earlier social conditions, to the actualities that lie back of them—in short from appearance to reality—is clearly illustrated in this particular problem. But the same kind of thinking is required in connection with all the duties that arise out of the institution of property. Reinterpretation of duty in the light of the changed conditions of our economic society, is imperative. As eternal vigilance is the price of freedom in the political field, so a similar vigilance is the price of welfare in the economic life of any modern people. There are many new obligations that have arisen in connection with property, but they may all be summed up under the one obligation—"of being intelligent."

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CHAPTER XIII

THE FAMILY: ITS DUTIES AND RIGHTS

SEXUAL MORALITY

One's duties, one's obligations—what one ought to do and what one ought to leave undone—in all that pertains to the life of sex, have always constituted a central part of traditional ethics. That there is a right and wrong in these matters everyone recognizes, however that notion of right and wrong may vary with time and place, with social class and level of social development, with the disposition and attitude of individuals.

The central place of these matters in the moral life and in ethical thinking is, of course, indicated by the fact that the terms moral and immoral, morality and immorality, are often identified exclusively with the special field of morals connected with the life of the sexes. According to a well-known law of language, terms which have a general significance may in time tend to be confined to one of their special meanings because of popular interest and importance. That this has happened to the terms moral and immoral is significant for moral theory as well as practice. It expresses the general recognition, on the part of common sense, of the central importance of the sex life, and its associated activities, in the entire moral and social life of man; the degree to which the "happiness," welfare, and development of the individual depend upon what we call his sex life; and finally the degree to which the persistence, welfare, and progress, of the community depend upon the organization of that life in the family.

This ancient wisdom has received extraordinary confirmation in recent years by the developments in the sciences of biology and psychology. The general effect of these studies has been to increase our sense both of the depth of the sex instinct in the organic and psychical life, and of the extent of its influence and ramifications in all the "higher" activities of man. With the development of eugenics, we have become aware of consequences of sex acts that far transcend the vision of earlier ages, and have become conscious both of rights (of the unborn), and of duties (to posterity), that were undreamed of in the sex morality of our fathers. If such knowledge has not exactly created a "new decalogue of science," as has sometimes been enthusiastically suggested, it has at least transformed the old rights and duties in significant ways. With the developments of modern psychology, we have also become aware of consequences for the psychical life of the individual of which our ancestors had but the dimmest sense. Whatever may be said of the Freudian psychology—of its manifest exaggerations and fantastic interpretations—it cannot be denied that, aside from what it has contributed to the analysis and cure of neuroses, it has undoubtedly served in most minds to fix the idea of the central place of sex in the mental and spiritual life of man. The influence of Freudianism is undoubtedly waning, but it has left a *residuum* of insight which is probably a more or less permanent possession of modern man.

DEFINITION OF "SEX LIFE"

Roughly speaking, the sex life begins with the ripening of the sex instinct at adolescence. The natural and, some would say normal, consequences of this ripening would be immediate intercourse between the sexes. With this intercourse, naturally, and again some would say normally, the child comes into being, and with its advent are quickened or intensified certain instincts or impulses which we describe as maternal and paternal. The child in a sense becomes the meaning and the center of the sex life, and about it there is developed and organized the life of the family.

For our purposes it is immaterial whether we call the sex drive an instinct or an impulse. It is again immaterial whether what have been called traditionally the maternal and paternal instincts are innate in the same sense that sex itself is, or whether they are to a much larger degree conditioned by racial habit. The thing of real importance is that all these impulses are deeply enough rooted in the "organic" self of the average man and woman to make the sex life, as above defined, an inherent part of the life of the self as a whole, and the satisfaction of these impulses ordinarily the indispensable condition of complete self-realization.

We have described the sex life in its simplest and most elemental form. From the standpoint of ethics, and the study of human values in general, it is a great deal more than this. There are two main factors which have served, more than all others, to make the biological sex life something very much more than biological. The first of these is the prolongation of human infancy, the second the deferring of the consummation of the sex impulse after the maturing of the sex instinct.

The increasing prolongation of infancy in the human species modified the elemental sex life in two important ways. In the first place, it transmuted whatever there is of elemental parental instinct from a mere animal impulse, of relatively short duration, into something quite different—into a permanent interest, and even passion, which is so much a part of the man or woman that it often becomes the center of life itself and, in any case, one of the chief functions through which the self is realized, or one of the main sources of human happiness. But the prolongation of human infancy has done something else. It has changed casual intercourse between man and woman, which among primitive men is little more than physical satisfaction, into an increasingly permanent relation in which, to the merely organic, are added hyper-organic values which develop out of the relations of persons.

A second factor has greatly changed the elemental sex life. The increasing prolongation of the period between the maturing of the sex instinct and its consummation, necessitated by the growing complexities of the economic and social life, has changed both the nature of love and of its fulfillment. It would be truer to say that it has changed sex into love, for it transforms a passing impulse, which when casually satisfied is as casually forgotten, into desire, wish and finally will. What is in the beginning a non-selective biological urge, becomes a human passion, in which the selection of the specific individual becomes part of the passion itself. In like manner, the fulfillment of sex desire is no longer possible by merely bodily gratification, but more and more requires the inclusion of values of association and of the person. This deferment of consummation may, to be sure, have its shadow sides, but for that reason has been, none the less, one of the chief factors in eliciting and developing the higher possibilities of love.

THE HUMAN SIGNIFICANCE OF SEX. LOVE AND SELF-REALIZATION

Sex is not a recent discovery, however much it may seem such to the excited adventurer in modern literature and pseudo-science. Nevertheless, our recent emphasis on sex—indeed our preference for the term as over against the old-fashioned word love—is symptomatic of a certain change that has come over our thought on these matters. What has happened here is very much the same change in emphasis that we observed in our study of the economic life.

The criticism of existing institutions of property has been paralleled by corresponding criticism of our institutions of marriage—and for much the same reasons. Our increased consciousness of the biological and psychological facts of sex has brought about a certain "realism" in these matters. The moral life is not lived in a vacuum, and whether we think of moral values in terms of happiness or of self-realization, a satisfactory functioning of the sex life, with all that it includes, is more and more felt to be an indispensable condition of these values.

The outstanding feature of this change of attitude is the growing conscious and frank recognition of sex as an indispensable condition of self-realization. The biological import of the instinct, its transcendent rôle in the propagation and perpetuation of the species, leads naturally to an understanding of why this instinct should be so imperious in the organic life of the individual. With this has naturally come a franker acknowledgment of the physical side of sex life, more particularly on the part of women. In a recent article, based upon a *questionnaire* sent to women, "physical satisfaction" is frankly spoken of as one among others of the goods of marriage.[1]

The primary values of sex are then organic. As such they are also primarily instrumental. But they are not wholly so, as in the case of the economic values of property. Physical satisfaction is a condition of other values, but it has an intrinsic value of its own. With these organic values, both instrumental and intrinsic, are then later associated hyper-organic values, chief among which are those of association. In the article referred to, the need of "companionship" was equally stressed with the need of physical satisfaction. Among primitive peoples this aspect of the sex life was of little moment, partly because of the undeveloped character of personality, but even more, perhaps, because of the extremely intimate character of the tribal bonds themselves. With the development of human individuality, the need of intimate personal association has increased. In modern society, with the essential loneliness of the great city, and the increasingly casual and impersonal relations of individuals, the need of the companionship of marriage and of the family is enhanced rather than diminished. The idea that "it is not good for man to live alone," that one sex is incomplete without the other, although often interpreted in an extravagant way, is not without its basal element of psychological truth.

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[1] "Marriage and Money," *Harpers Magazine*, August, 1928.

THE PLACE OF SEX IN THE INDIVIDUAL LIFE

To understand the full import of this position we must consider the relation of the sex life to the development of the personality of a man or woman. Its unique place as the central or integrating factor of personality is brought out in studies of adolescence. In general it may be said that, with the ripening of the instinct at this time, and the great physiological changes that mark its maturity, psychological changes of a far-reaching character occur. The adolescent, both boy and girl, finds his or her intellectual and emotional life extraordinarily quickened. It is a period of intense, often morbid, self-consciousness. The individual begins to be a person in a sense that the child was not.

This coming to manhood or womanhood has been recognized by primitive peoples and past civilizations by special rites and cults. Associated as these rites often are with magical and superstitious beliefs, they nevertheless recognize, in their own way, the crucial character of this change of life, both for the individual and the race. In the modern world, love, marriage and the founding of a family are, normally at least, the fundamental integrating factors in the life of both man and woman.

These general considerations apply irrespective of the sex of the individuals concerned. But there are differences between men and women in these matters which it is important to understand, not only from the standpoint of psychological insight, but from the normative point of view of ethics. The ancient wisdom of the race expressed this difference in the saying, that while with man love is an episode, with woman it is the whole of life. While doubtless an exaggeration, as such popular wisdom usually is, it is nevertheless true that sex life, in the broadest sense, is the integrating factor in the personality of women to a greater degree than in men. Merely biological functions necessitate that there shall be greater preoccupation on the part of woman with the organic aspects of the sex life itself. With the advent of the child, part of the very body of the mother, there is an extension of the self to the child, and the child becomes the integrating factor of the mother's life. Not infrequently—one might almost say normally—the child to an extent takes the place of the husband, and the husband insensibly passes from the rôle of lover to that of father in the mind of the woman.

The tendency in much of modern thought, to minimize the differences between men and women in their sex life and sex emotions, is as stupid as it is socially and morally misleading. In matters of this sort the ancient wisdom of the race is infinitely more trustworthy than the so-called findings of science. The attempt to explain fundamental differences of this sort by the theory that man has forced upon woman a stereotype of what the "womanly woman" is, is, in itself, singularly superficial. When, under the influence of such notions, women seek to model themselves on some intellectual construction, the results are as tragic as they are ludicrous. As one woman critic of extreme feminism has said, "if only these feminists would let us women live."

There are two considerations of importance that follow from these basal differences of sex life in man and woman. The first of these I shall describe as differences of attitude towards sex, the second differences of rights and obligations in the sex life.

A difference in attitude is observable in many nuances of emotion. Mary Antin has called attention to the fact that women rarely find sex humorous in the way that men do. She is of the opinion—and I think she is right—that the life of sex is for woman too fundamental and serious to be easily made the subject of jokes and laughter, whereas for men, being more external to the person, it may be treated with lightness.

Be that as it may, the obligation to integrity in the sex life is, normally at least, more fundamental to woman than to man. The age-old demand for chastity on the part of woman and to loyalty to the marriage bond, has indeed often been associated with purely external notions such as property and purchase. In so far as such notions linger, it is well that they should be finally dispelled. But there is a more inner truth to these ideas. They are ultimately founded upon two facts that no changes, short of a complete change in social institutions and in human nature, can fundamentally affect. The dependence of the integrity of the home upon the faithfulness of the mother is as great as ever, and nothing has happened to change the fact that the integration of the life of woman is normally bound up with her sex life. Disintegration of the sex life still means for woman disintegration of the person in a sense in which it cannot for men. This affords no basis of argument for a "double standard" in morals, but solely for the validity of the standard that the higher life of woman has made necessary.

HUMAN MARRIAGE AND THE FAMILY

The sex functions and their exercise are often felt to be the most personal and private of all the capacities of man—and, in the view of some extremists, are held to concern only the individuals directly involved. In so far as this refers to the decent privacy with which enlightened civilizations have in the main surrounded the sexual act, such feeling is rooted in and sanctioned by the deepest experiences of the race. On the other hand, to speak of the sex life as a matter which concerns no one but the individuals immediately involved, is to utter a nonsense which no one but the most superficial could be guilty of. In these matters, more perhaps than in any others, it is true that "no man liveth unto himself alone," and modern bioïogical and social science has but emphasized this ancient truth.

It follows that in the main sex morals are identical with the morals of the family, or at least are relative and functional to that institution. From this point of view we may define the institution of the family in the following way. It is *the sex instinct functioning in a social individual, in a social medium, and with social consent.* In other terms, it is a more or less permanent union of the sexes sanctioned by the community. The earliest sanction is little more than a vague general approbation. Later sanctions have explicit legal expression and assume the form of severe penalties for disobedience of legal prohibitions. From the legal point of view, marriage is now a contract between one man and one woman, with at least the expectation of permanency. Slowly and by many tentative experiments, society has arrived at monogamous marriage of individuals, within the first and second degrees of consanguinity, by prohibiting successively, incest, polyandry, polygamy and bigamy. The marriage laws of Europe and America are the products of three main sources, Roman Law, the Christian religion, and Teutonic custom, all three uniting in sanctioning the norm of the permanent monogamous family.

THE HISTORY OF HUMAN MARRIAGE

The story of human marriage is one of the most fascinating chapters in the history of morals. The curious customs associated with it, the various tabus which from the beginning have regulated the intercourse of the sexes, the mixture of the superstitious and the magical with obviously utilitarian provisions, are the sources of constant delight to the ethnologist.

Nothing is really known of the origin of the family and of marriage. It is barely possible that the earliest form of sex association actually approached the wholly casual intercourse of animals and may be described as a state of *agamy.* But this hypothesis is at the present time generally discredited. A study of the social organization of the most primitive peoples on record, or available for observation, shows marriage institutions already existing that are most elaborate and relatively binding. Everywhere, even among the most savage peoples, there is regulation in some form of the union of males and females, and these regulations are rigorously maintained.

It is generally held that the mother-family, or the maternal type as it is called, antedates the paternal or patriarchal. "The mother at the fire-side, with the children issued from her body, was the settled part of society, and the institutional growth began to form about her and her children—not about the man, who was wandering, unstable, unregulated. Institutional development tended to integration and closer adjustment on the lines set for it by the facts of the case and the forces operating in it." [1] When one adds to this the fact that, among primitive peoples in general, the biological rôle of the male in the propagation of the species is not understood, we have no difficulty in understanding the primacy of the maternal form and of the customs and feelings that gathered about it.

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[1] Sumner and Keller, *The Science of Society,* Vol. III. p. 1967.

Certain causes stepped in at a very early period to arrest the development of the mother-right and to replace it by the father-right. When once personal property had begun to be accumulated, it was inevitable that the husband, by virtue of superior strength and more active share in its acquisition, should take the upper hand. The extension of the idea of possession to wives and children is a natural accompaniment of the development of the notion of possession or *proprium* itself. Such ideas were undoubtedly intensified and strengthened by the consequences of conquest in war. Just as through conquest changes in both the form and conception of property took place, so corresponding changes in the form and idea of the family followed. When one tribe or group conquered another, the land became the property of the victorious tribe, was often parceled out to chieftains, and became in this way family property. In like manner, the women and children were ordinarily spared and the women became part of the property and the family of the conquerors.

In such fashion did the patriarchal polygamous family often arise. The manner in which the polygamous type passed over into the monogamous small family is so varied that no general laws can be laid down. Economic factors undoubtedly played a leading rôle. The large family, of great economic value in an agricultural polity, became of doubtful good, and often a positive detriment, under the conditions of mercantile and city life. But there were other causes at work. Very often a distinction gradually arose between the chief wife and the secondary wives and concubines. To the first or chief wife was accorded a special dignity and power, as head of the feminine side of the household. At the same time a distinct difference in attitude, on the part of the man, towards the chief wife and the other feminine members of his household becomes apparent. The relations in the first case are more personal. Mutual rights and duties tend to take the place of the previous one-sided relation, and more and more the relation becomes ethicalized or spiritualized.

Two facts must be kept in mind in understanding the primitive forms of the family, and in properly appreciating later forms and ideals that have developed out of them. Among primitive peoples, the family is always viewed from the standpoint of the tribe and always subordinated to it. It may be said without fear of misrepresentation that the tribal bonds are stronger than those of the family. Although there is no primitive life where some form of the family is not found, it can hardly be said that historically the family is the basal social institution. When it is so described—and it may be properly so designated—it is in a normative rather than in a descriptive sense that it should be understood. The basal character of the family has become more and more evident with the development of individuality. It has become increasingly the indispensable condition of the development of the ethical personality, with all that it implies, as we shall presently seek to show. The situation is here much the same as in the case of the doctrine of natural rights, already discussed in Chapter X.

Of no less significance is the fact that in the beginning, and to a large extent throughout its history, the family is an economic institution. Among most primitive peoples marriage serves other functions in addition to the regulation of cohabitation. It is to a large extent an economic unity. Anthropologists find increasing evidence that among many peoples the living together of man and wife is primarily an economic arrangement, neither precluding sexual intercourse with others before, nor extra-matrimonial relations after marriage. The varied forms of arrangement are too numerous to go into here, but such arrangements do not imply license in our modern sense; they have an element of decorum of their own. The important point is that the development of the family in general has involved the grafting upon a biological function and an economic unity, of other functions, as the increasing development of individuality and personality demands.

INTERPRETATION OF THE STORY OF THE FAMILY

The impression which the story of the human family makes upon the unbiased mind is, I think, not only one of change or evolution, but also of definite progress. We may see in the gradual emergence of the permanent monogamous family, not only a series of changes, conditioned and determined to a degree by economic changes (which it undoubtedly is); but also a process in which the possibilities of meaning and value in the relations we call sexual have been more and more realized. Let us seek to determine the main lines of that progress.

The biological basis and the conditioning economic factors are of course everywhere in evidence. The maternal type and its *mores* are obviously formed about the idea of blood relationship, and clearly related to the economic conditions of primitive tribal life. The paternal type, with its basal idea of possession, is again, in part at least, the reflection of economic conditions. In its polygamous form and patriarchal organization, it is a type adapted to an agricultural economy in which a large and compact household could carry on the business of life to the best advantage. On the other hand, economic necessity had much to do with the development of the monogamous out of the polygamous type. Possession of more than one wife becomes the privilege of wealth. Restriction to a single wife becomes the rule with the poorer classes. In recent times the practical disappearance of polygamy among Mohammedan peoples is partly traceable to such causes.

In general it may be said that a kind of "natural," in the sense of circumstantial and unconscious selection, has had much to do with determining the primitive forms of the family and their corresponding *mores*. At the same time, it is just as true that conscious, rational selection, in the sense that we have defined it,[1] has been increasingly in evidence. Slowly, and by many tentative experiments, society has arrived at the norm of permanent monogamous marriage, by prohibiting successively variations from the norm. But this is only one aspect of the development. Corresponding to this more *external* process of selection, there has been a more inward development of the consciousness of the meaning and value of the sex relations themselves, and of their relation to the good life of the individual and society. I shall describe this as the gradual *spiritualization* of the sex relation.

By spiritualization we may understand here the gradual development and acknowledgment of the hyper-organic values. These are almost completely lacking in earlier forms of marriage. Contemporary primitives exhibit substantial unanimity in ignoring the "love interest," or at least in subordinating it decisively to other considerations. There is frequently very little companionship between married couples. Material, social, or tribal motives precede sentimental. In so far as the conjugal relation has become spiritualized it demands the realization of hyper-organic values.

This general tendency or law shows itself at two specific points, namely in the spiritualization of two ideas which have been connected with the relation from the beginning—the ideas of possession and of blood relationship.

The latter idea is in all probability the more primitive. It is a universal view among primitive races, and one that continued into the heroic age of the civilized peoples, that the child is the child of its mother. In primitive societies of the maternal type, the child is not even dependent upon the father, but on the tribe. But even where the father is the ruling head of the family, though dependent upon him, the child is often not thought of as related by blood. These ideas are evidently due in the first case to ignorance of biological facts and suggested by the natural circumstances of birth and nourishment. Later the idea of blood relationship was modified by extension to both parents alike. With this extension there has come also a deepening of the notion. Such expressions as "blood is thicker than water" or "blood will tell", do not refer merely to the idea of biological inheritance, but include in their meanings that other kind of heredity we call social or traditional. The members of a family are of one blood—which means that they share common ideals, common loyalties and common ends.

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[1] Chap. V, pp. 104 f.

The second idea that has undergone this process called spiritualization is that of possession. The paternal or patriarchal type, from which our present institution derives, had as its basal idea a crude and material idea of possession. Not only do customs of marriage by purchase and robbery testify to prevailing notions of this kind, but customs of father-right, including right of life and death over wives and children, indicate clearly the nature of the original conceptions. But the idea of possession, like that of blood relationship, has undergone profound modifications. The moral elevation of both wife and children through development of ideas of individuality and personality, has resulted in a spiritualizing of the conception. The relation of possession has become mutual between husband and wife and the children are shared by both. The wife is now the husband's property only in the sense that her sympathies and interests are his. Reciprocal rights and duties have gradually taken the place of one-sided relations, and the phrase, "to have and to hold until death do us part," has a significance that far transcends earlier conceptions of possession.

The charge often brought against present-day laws and ideals governing marriage and the family—that they are survivals of primitive notions of possession—has a measure of truth. Mrs. Pankhurst, for instance, found that, according to the law of England in her time, she could not sign her child's school report, because it could be legally signed only by a parent or guardian, and the mother was not parent in the existent meaning of the term. This asymmetry of rights and duties made of her, it said, a suffragist, as it has frequently made revolutionaries; and ultimately, partly through the activities of the feminists, the law was changed. Galsworthy in his novel, *A Man of Property,* describes survivals of the old notions in English life and thought, and many other novelists and play-wrights have done the same. It is a mistake to deny the primitive origin of many of our *mores* and notions concerning marriage and the family, but it is an even greater fallacy to suppose that, because of their origin, this is all they are and mean today.

The spiritualization of marriage, as we have described it, is but a phase of a general tendency which may be described as the spiritual and ideal trend in institutions. As man's individual and social needs have become more developed and refined, as they have become more and more controlled by reflection, and as groups have organized for their promotion, the functions of his institutions have become more spiritual and idealistic.

Even those institutions growing out of man's instinctive wants show these tendencies. In the economic field, production tends to rise above the mere satisfaction of organic wants, and attempts to satisfy wants in a qualitative way. Political institutions, especially government, instead of being merely social devices for protection against enemies and for maintaining internal order and rights, have come actively to participate, and have in fact become the chief agency, in furthering spiritual values. This is peculiarly true of the institution of the family. The family has long since ceased to be merely a reproductive and child rearing agency, and has among many peoples assumed positive spiritual and idealistic tasks.

THE ETHICAL BASIS OF THE PERMANENT MONOGAMOUS FAMILY

As in the case of the institution of property, so in that of the family, men have sought to justify existing ideals by an appeal to "innate" instincts and "natural law." It is unnecessary at this stage of the discussion to point out how little basis there is in fact, either anthropological or psychological, for such a theory. It is true that we may perhaps speak of a "natural law of monogamy," if we mean that it can be shown to be somehow inherent in, or implied in, the ethical nature of man as such. It is then, however, a normative or logical conception, rather than an historical one, and is ultimately based upon a teleological rather than a formalistic conception of morals. Without further preamble we shall then attempt to show that there *is* an ethical basis for the permanent monogamous conception, and that that basis is to be found in the notion of the indispensable conditions of the good life.

In developing this notion we shall, as in our study of the institution of property, make use of the two values of security and of self-realization. We shall consider these two values also from the standpoint both of the individual and of society.

It may be taken for granted, as our starting point, that sex life—even in the aspect of physical satisfaction—is normally (in the sense of ordinarily) the indispensable condition of self-realization. But once for all, whether for good or ill, man's organic sex life has been inextricably bound up with his intellectual and spiritual life. That being the case, no self-realization through sex is possible that does not include "love." Conquest of the female may enhance man's animal sense of power, and in like manner the woman may find satisfaction for her egotism in a succession of lovers. But it is surprising to both of them how really little there is in it in the end. Happiness, it has been said, is not merely a succession of good times, and if there is anywhere that this is peculiarly true it is in the sex life of men and women. Again possession of the other has a way of becoming empty and illusory unless it includes possession of what we call the "soul." The materialist may deprecate the use of such terms but if we do not use them we cannot talk intelligibly about what we all know—as it were intuitively—is the essence of love. Lust without love is an abstraction and, like all abstractions, in the end self-defeating.

Love, in the sense here described and understood, can scarcely be separated from the ideal of permanence. A sex relation entered into with the deliberate intention of impermanence is poisoned from the start. This is true in principle for both sexes, but it is peculiarly true in the case of women. Whether for good or ill, woman is possessive in a sense that the man is not. By the very conditions of her organic and psychical being, she must have the sense of security in her love; otherwise it cannot be the integrating factor in her life. Love that is passing is a disintegrating rather than an integrating force. This is true of the life of sex, even when abstracted from the child in which the union normally issues. It becomes doubly true when the self is expanded to include the child.

No one with any sense for fact would be guilty of interpreting these general principles as universals, applicable to all individuals without exception. Just as there are sex perverts, as they are called, to whom the normal rules of sex life do not apply, so there are undoubtedly individuals for whom neither monogamy nor permanence are necessary. However we explain it, there are Don Juans and Messalinas. There are men who are sex vagabonds, just as there are women over whose bodies and souls pass successive sex experiences, apparently without leaving a trace. But ethics is not primarily concerned with abnormalities of this kind, but rather with those general tendencies which display the basal characters of the human.

Thus far we have considered the sex life of the individual, abstracted wholly from that which is part of that life in any natural or normal sense of the word—namely the child that issues from the union. Security in the sex life, even from the point of view of the individual (more particularly the woman), demands permanence so soon as the child enters into the question. But we must now consider the problem from the standpoint of the child, and of the society of which the child is to become an integral part.

The permanent monogamous family, we may say without hesitation, is the indispensable condition of the self-realization of the child. The prolongation of human infancy necessitated the family in the first place. The increasing prolongation of that infancy, as the result of the growing complexity of society and the demands of that society, necessitates the making of the family permanent. This is not merely a matter of the physical support of the child. Forms of social organization are conceivable in which the State should take over the support and education of the child. In any capitalistic society, there are large classes of people who could break up the family and still provide for the support and formal education of the children without either difficulty or serious thought. We are concerned here with quite other conditions of self-realization, namely with the types of association which are indispensable to the realization of the character values we have called personal.

In our Western civilization the home has become the central social cell and the most important influence in the early moral development of the individual. It is there that the primary and fundamental attitudes and emotions are developed. There the child is trained to his sense of dependence upon others and responsibility to them. Confidence in the world and in his fellows, and the sense of obligation, spring from the family. In the family are begotten the earliest and deepest loyalties which make life possible and satisfying, and this sense of allegiance is later extended to include the child's community, country and society as a whole. Where the sense of family solidarity is deficient, the sense of social solidarity will be weaker. None but the most prejudiced would, I think, deny the truth of these statements. The moral and spiritual disorientation of the children of divorced couples is a phenomenon that is recognized by social observers as a fact, however different the ethical concepts with which they approach the facts.[1]

From every point of view then, the permanent monogamous relation appears to be the indispensable condition of the highest moral development as we know it. From the standpoint of the individual, it is the indispensable condition of self-realization. From the standpoint of society, it is the necessary form of the good life.

Now it is customary to reply to all this that such argument begs the whole question. It assumes the individualistic and capitalistic system in which we live, and in another system, such as communism for instance, permanence and monogamy might not be an indispensable condition either for the individual or society. This is undoubtedly true up to a point. Just as Russian communism feels it necessary to destroy the family in order to build up the purely communal man, to destroy the family loyalties in order that purely communal loyalties may be developed, so it may well be argued that, with communism, the family loyalties will no longer be needed as education in larger loyalties. Two things ought, however, to be said in this connection. First, it should be clear that any far-reaching change in the institution of the family, and in the ideals and laws connected with it, is possible *only* if there is a similar wide-reaching change in all our other institutions. That may be abstractedly desirable. But one should be clear-headed enough to see that it is stupid to argue for a "reconstruction" of the family without advocating a corresponding reconstruction of the entire economic and social life of man.

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[1] A dean of an American university has recently asserted that, as a result of long experience, he has found that five times as many sons of divorced couples get into moral and other difficulties as in the case of the sons of normal families. Edith Wharton's *The Children* is a vivid picture of the social and moral disorientation of children of divorced parents.

The question may well be raised whether sex life without the permanent monogamous form could really be a form of the good life in any intelligible sense of the word good. Drastic change in sex relations, involving reversion to more primitive forms, can hardly be the good life in any sense in which the historical life of man has come to understand the term. Here Russian communism is much more consistent than many of the half-hearted forms of radicalism which so cumber the moral ground. It is completely understood among the leaders of that communism that the changes they propose involve a change in our entire conception of morals, if indeed they do not make obsolete the whole notion of morals. Morality, as we know it, is for them a "bourgeois" phenomenon, and communism requires either a proletariat morality or no morality at all.

In any case, there has been continual and substantial agreement on the part of most moral philosophers. The institution of the permanent monogamous family is for them the embodiment of reason. In the words of Spinoza: "With regard to marriage, it is plain that it is in accordance with reason, if the desire of connection is engendered not merely by external form, but by a love of begetting children and wisely educating them, and, if in addition, the love both of the husband and wife has as its cause not external form merely, but chiefly liberty of mind." [1]

THE SANCTITY OF THE FAMILY AND THE CONCEPTION OF MARRIAGE AS A SACRAMENT

The seal of approval has been put on the ideal of the permanent monogamous relation—for western European civilization at least—by the Christian Church in its doctrine of marriage as a sacrament, in its essence indissoluble.

The sacramental conception is not confined to the Christian religion. Others have had the same conception, notably the Roman. One of the forms of marriage in the Roman Republic was sacramental and religious, one in which the man and his bride ate together a sacred cake and were thought to be mystically united. It is in Christian thought, however, that the idea reached its fullest philosophical expression.

Theologically based, as it was, on words of holy scripture, it had nevertheless a philosophical ground in the recognition that it was based on a "law of nature" no less than on a law of God—that, in other words, the Church but gives its blessing to that which reason itself makes necessary. This aspect is brought out by the conception of the nature of the marriage ceremony. The sacrament itself is in the betrothal, in that part of the ceremony in which the man and woman plight their troth. The priest but pronounces them man and wife and gives their union the Church's blessing. In this fashion the natural is taken up into the supernatural, that which belongs to the world of nature is made part of the world of "grace." It is for this reason that, according to canon law, when there cannot possibly be a priest to bless the union, the solemn betrothal in the eyes of God, constitutes a true marriage.

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[1] *Ethics*, 4th part, Appendix 19, 20.

NORMS OF SEX LIFE AND OF THE FAMILY

The acceptance of a teleological theory of the ethical basis of the family, leads inevitably to the idea that it is possible to formulate certain norms or principles of the sex life and the rights and duties that spring from them. If it is true that the permanent monogamous relation is the indispensable condition of the highest forms of self-realization, then not only must certain norms necessarily follow, but these norms, and the laws in which they are embodied, can be understood and interpreted. Without further prelude I will proceed to indicate certain norms or principles which seem to me to be generally acknowledged. For convenience I will treat them under two heads, (a) *The Norms of Sex Life* and (b) *The Norms of the Family*. This does not mean, of course, that the two can be really separated. Our definition of the family excludes that possibility. It merely means that such a relative distinction will enable us to bring out certain important points more clearly than would otherwise be possible.

First and foremost, is the general recognition that sex life is normally the indispensable condition of the good life. Everyone, therefore, has a right, in a certain sense, to the values of sex, both organic and hyper-organic. As in the economic life, everyone has a right to share in the values created by society, so everyone has the right to values so fundamental to life as those comprehended in the word love.

This norm, in its most general sense, would probably be disputed by no one. The life of sex is recognized as normally the condition of self-realization, and any form of society that would make impossible that life for great numbers of its members, would be recognized as both inimical to life and intrinsically unjust. Moreover, the right freely to enter into marriage, as contrasted with the limitations upon that right such as existed in feudal times, is but a single phase of that total freedom which the modern doctrine of "natural right" stands for. For the same reason, coercion is sufficient reason, both in civil and church law, for declaring a marriage *ab initio* null and void.

The radical thought of the present tends, however, to give a much wider interpretation to this norm. The right to happiness, or "to live one's own life," as it is euphemistically called, is often supposed to include the right to "free love," in the sense of the right to the values of sex without the correlative obligations. The right of every woman to have one child and no questions asked, is supposed to be a direct deduction from this norm. Like the "vagabond wage," with which it is in spirit closely connected, it has a fantastic quality which prevents it from being considered seriously by most mature minds. Vagabondage, whether in life or in love, is a romanticism that in the main appeals only to the youthful mind.

Scarcely less fundamental than the preceding norm, is that which tells us that in the sex life the values of the person should always be put above the physical or organic values. Here again, scarcely anyone would be disposed to dispute this norm in principle. The distinction between love and lust is one which it may not always be easy to make, but it is one that everyone understands. There *is* such a thing as "good, honest lust"—to make use of the words of one playwright—and physical satisfaction is an indispensable part of sex life; but abstracted from the higher values, it tends, not only to become self-defeating, but to turn into cruelty and hate. Tolstoy's *Kreutzer Sonata* is doubtless an extreme and morbid presentation of these facts, but our accumulated wisdom regarding the sex life puts the truth of the general principle beyond cavil. In any case, this norm is recognized alike in morals and in law, and we may take it as operative in most of our moral judgments on acts of sex.

There is a third norm of the sex life which there will be some disposition to dispute but only, I think, when it is not properly understood. It is that physical gratification or satisfaction should not be ultimately and permanently separated from the functions of propagation and parenthood. The normal life of sex issues in that consummation, and it seems to be a consummation necessary for the realization of all the values inherent in the sex life, and one the denial of which brings into action a self-defeating process. It seems to be a special case of that general principle of vicious abstractionism of which we have just spoken.

It must be admitted that we are here on delicate and dangerous ground. This norm is capable of extreme and doubtful interpretation and application. There have been extremists who have held that all sex gratification without the intent of propagation is wrong or sinful—which seems to be a manifest absurdity. There are those who set themselves absolutely against all birth control on the grounds that it is contrary to nature and to the laws of God. We need not commit ourselves to either dogma, in order to realize the indisputable element of truth in this norm. Even so liberal a thinker as Bernard Shaw expresses the opinion that "the essential function of marriage is the continuation of the race, its accidental function being the gratification of the amoristic sentiment of mankind. The artificial sterilization of marriage makes it possible for marriage to fulfil its accidental function whilst neglecting its essential one."[1]

The artificial sterilization of marriage is, in itself, without question, in opposition to the true ends of marriage. On the other hand, no unbiased thinker will deny that other duties come into conflict with this one and make decision difficult. One of the strongest arguments for the practice of birth control has been expressed in the annual report of the Woman's Welfare Centre of England for 1924. "The only effective way of dealing with this human problem is to teach all married women, and especially the poorest, how they can limit their families without denying to themselves and to their husbands that physical union which is the basis of married life."

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[1] One of the "Maxims for Revolutionists" in *Man and Superman.*

THE NORMS OF THE FAMILY. CONJUGAL RIGHTS AND DUTIES

Already in the consideration of the norms of the individual sex life—for the moment considered apart from the institution of the family—it is obvious that no such norms can exist without implying both rights and duties. One cannot decently enter into merely casual physical relations with a member of the opposite sex without incurring at least a minimum of obligation. Just as the enjoyment of economic good presupposes the obligation to activity in some form, so the enjoyment of "love" implies at least a minimum of obligation. For these reasons, "free love" in any absolute sense is a will-o'-the-wisp. The simple fact is that love, by its very nature, is never free. The moment one falls in love he is already tied; he has voluntarily assumed obligations. The sense of duty and the feeling of sympathy and pity are strong enough in the majority of human beings to create a sort of natural morals of the sex relation.

The norms of the family simply expand these norms of the individual sex life, develop them and sanction them. The concept of norms of the family expresses itself in the notion of marital rights and duties. Conjugal rights, as they are called, spring out of the legitimate expectations or claims, created by the fact that the sex instinct is functioning in a social medium with social consent. Conjugal duties may be defined as the respect we owe to these expectations by reason of the fact that we are social beings, in other words that we are men, not animals.

There is a certain type of "sentimental" mind to which the entire notion of applying the ideas of right and duty to the intimate relations of sex is repulsive. In marriage, it is said, there are no rights, only privileges. It may be admitted, of course, that in marriage, as in other human relations, the ideal state is one of spontaneous understanding in which the cold and abstract ideas of right and duty are no longer thought of. It may readily be admitted also that the hard and often crude ways in which marital rights are demanded, and even more expressed in law, smack of the vulgar. A suit to recover damages for alienation of affections increases neither our admiration nor our respect for the person bringing the suit. But all this does not alter the fact that the rights and their corresponding duties are *there*. As an individual, I may disclaim such rights; I may be unwilling to demand of my wife what she cannot give with her whole heart, and I may be commended for my sensitiveness and good taste. But to renounce rights does not destroy them. Still less does it remove the obligations corresponding to those rights.

Conjugal rights include the right to the love of one's spouse, or cohabitation, the right to support on the part of the wife and the children, the right to respect of the person, etc. These rights, as we have seen, grow directly out of the norms of the sex life itself. It is quite clear that society and the State, in embodying such norms in laws, can proceed only in an external and often crude fashion. The law cannot fail, however, to recognize the basal fact of cohabitation in marriage, the need of "love" and the expectations growing out of the mutual vows. It has been held by the courts in recent decisions, for instance, that a contract of marriage entered into without the intention of consummation, is contrary to public policy and *ab initio* null and void.

Nor can the law fail to recognize the legitimate expectation of support or the claims of the person, both physical and mental, to respect and protection.

VIOLATION OF SEX NORMS. SEXUAL IMMORALITY

That there is a right and a wrong in matters of sex every one recognizes. It is probable that there are few persons who would not set some limits to their lusts, and few who would not acknowledge some obligation, some claim or legitimate expectation, however slight, as growing out of the sex relation. Those to whom there are no such limits, and for whom there are no obligations, we properly describe as lacking all moral sense. Lack of moral sense is insensitiveness to the norms that spring naturally out of the sex life. Sexual immorality is a violation of these norms. We shall best understand them by an examination of the nature of sexual immorality.

There is one notion, not so prevalent as it has been at times, but still not without its influence, which from the start prevents any proper understanding of the problem—the notion, namely, that there is something intrinsically bad or shameful in the sex act itself, in the desires and bodily pleasures connected with its exercise. This notion has been connected in some minds with religion, in particular with the Christian religion. This is, of course, simply a result of ignorance. For Christian philosophy, the sex act has always been considered intrinsically good—part of that creation of which it was said: "God saw that it was good." From the moral standpoint, the sex act is itself neutral—as egoism and altruism are neutral—its goodness or badness depending upon the relations or context in which it is exercised. Dirt is described as matter out of place, and moral dirt is nothing more nor less than the brute matter of life out of its normal place—in terms of our earlier discussion, a perversion of values (Chapter IX).

THE IMMORALITY OF EXTRA-MATRIMONIAL RELATIONS

Sex immorality consists in the violation of the norms of the sex life. The immorality that attaches to sex relations outside the family involves the violation of norms both individual and social. The mere fact that indulgence in sex relations outside the bonds of marriage strikes at an institution that has been found to be an indispensable basis of the moral life, is in itself a violation of that respect for moral order that is part of morality; but it involves also violation of the norms of the individual sex life as well. This latter aspect requires our first attention.

The healthy common sense of mankind has always recognized grades or degrees of immorality in these matters. By examining common sense on this point we may be able to disclose more fully the basal character of these norms and of the ethical ideal out of which they spring.

Love with mutual consent and with the intent or expectation of permanence, yet without the sanction of society or benefit of clergy, is generally felt to approach closely to the ideal of marriage. By many it is felt to be a true marriage of kindred souls to which "conventional" marriage can add nothing. It would be idle to deny that many high-minded relationships have been established on this basis; and the only taint of the immoral appears to lie in the anti-social element. This is, however, not quite the case. Such relationships are founded too much on feeling and impulse and too little on volition. There is always lacking that legitimate expectation of permanence—that security which is necessary to the realization of the highest values of the person. Quite apart from the difficulty of making such relations a "success," there is always lacking something in respect for the person. Realization of love between two such people fails in that complete self-realization which is possible only when permanence and security are so completely taken for granted that they constitute an unquestioned assumption. "Loyalty demands the family, not the family loyalty."

Even in the most "ideal" relationships of the preceding type there is something lacking. A still deeper taint of immorality attaches to those forms of sex relation in which there is physical satisfaction without love. The norm that the values of the person should always be put above the organic or bodily values, may be violated either by conscious deceit—pretense of love where it is not—or by a conscious and mutually understood reservation of personality on both sides. The immoral character of the former is generally recognized, but it is sometimes felt that when both play the game honestly no trace of moral obliquity inheres. No one of discrimination would think of lumping such relations with ordinary prostitution, but, equally, no one of real discrimination can fail to see the taint of the immoral attaching to them.

On the whole, it may be said that the healthy moral sense of mankind finds something "wrong" in the gratification of lust without love. It is then entirely clear why this same healthy moral sense should find in the "selling of love" in any form a still lower degree of immorality.

The exchange of that which is most personal and intimate for impersonal objects of any kind is normally felt to be a degradation. There is a certain type of "self-respecting" woman who will give herself freely where there is desire or love, but will accept nothing except tokens of affection without great intrinsic worth. Those who sell love, whether in an open or disguised form, are exchanging that which, for a developed human being, is the most personal of all things, for the most impersonal and instrumental. Economic values are all instrumental values, and any exchange of the personal values of character for them is felt to be perversion of values and degradation. The selling of love for a price—especially in money—is only an extreme case of this general principle.

Commercialized prostitution represents naturally the lowest level of sexual immorality unless we enter upon the field of sexual perversion, in which case we enter upon a field of abnormality where the problem is mainly one of therapeutic or criminal procedure. Prostitution, on the other hand, normal enough in the sense which identifies the normal with the natural, involves the deepest violation of the norms of sex life in the ethical sense. On the side of the prostitute, it is the basest of sales of self for gold. On the side of him who uses the prostitute, it is an extreme form of violation of that moral norm which tells us to treat the moral person always as an end and never as a means.

IMMORALITY WITHIN THE FAMILY. DIVORCE

Immorality within the family consists in the violation of conjugal rights or legitimate expectations, created by the voluntary betrothal of the two parties, acknowledged as a contract by the State, or solemnized as a sacrament by the Church.

These rights and their correlative duties being, as we have seen, in principle but a social sanction of the norms inherent in the human sex life itself—immorality within the family is, in the first instance, violation of these norms, and secondarily, the violation of the contractual relation which the State has sanctioned. This is seen in an enumeration of what are considered "marital wrongs", and which are considered in many instances sufficient grounds for divorce.

These wrongs are chiefly adultery or infidelity, desertion and non-support, and intolerable cruelty—the latter being often interpreted so broadly as to include violation of various rights of the person, which bring with them not only physical but mental anguish. The term "refined cruelty" is, for instance, entering more and more into present-day suits for divorce, and while it undoubtedly represents a tendency to stretch the term for the purpose of securing legal freedom from the marriage bond, it is also indicative of the increasing recognition of the rights of the person in marriage as acknowledged by law.

Of the fact that these are marital wrongs—that they constitute violation of recognized norms of the sex life—there can be no question. The question is rather whether any or all of them are adequate grounds for terminating the marriage relation. Their nature as wrongs is recognized alike by the most conservative and the most radical on the question of divorce.

THE PROBLEM OF DIVORCE. SUFFICIENT GROUNDS FOR THE SAME

The question of divorce is so complicated and confused that we can here hope to do little more than clarify the problem, and suggest lines along which reflection must proceed if we are to solve it. This confusion is made manifest to the most thoughtless by the fact that the laws governing divorce in our own country vary in the different states—from those who grant divorce for the single cause of adultery to those that grant it for almost any cause. The demand for some uniformity in divorce laws arises, not only from the practical scandals that occur in the administration of these varied laws, but also from the growing necessity of clearing up the confusion in the public mind on this fundamental question.

In general it may be said that there are three main attitudes towards divorce, and that these three attitudes proceed from three quite different assumptions regarding the nature of marriage. There is, in the first place, the position that would deny divorce on any grounds, or at most on the grounds of the single cause of adultery. This rigorous view is maintained chiefly, although not solely, by certain forms of the Christian Church—on the one hand the Roman Catholic, which denies divorce on any grounds, holding that it is a sacrament and therefore indissoluble, and on the other certain forms, of which the Protestant Episcopal Church in this country is a strong representative, which sanction divorce for the sole cause of adultery. On this conservative view, the sacredness and inviolability of the marriage tie is held to be so fundamental a foundation for family and social life, that any move towards making the laws of divorce more easy is persistently opposed.

In complete contrast to this position is that of those who would have divorce by mutual consent. This view is maintained by many of the more radical social philosophies and is approximated at least, if not completely realized, in the practice of the Soviet Republic today. Between these two views is one which may perhaps be described as a liberal view, in contrast to both the conservative and the radical. Those of this way of thinking still maintain, on the whole, the norm of the permanent monogamous family as the indispensable condition of the good life, but hold that we must show common sense in its application, often insisting that the only way to maintain this ideal of the family is to provide more readily available means for dissolving it in those cases where its maintenance seems humanly impossible.[1]

THE CONSERVATIVE VIEW

In considering these three positions we may with advantage begin with the conservative view. This view may be bound up with a formalistic theory of morals or a theological conception of marriage as a sacrament, but not necessarily. One of the strongest arguments for this position has been presented by Felix Adler who is influenced by neither consideration.[1] For a teleological view the argument follows in general these lines. The permanent monogamous family is the norm of sex relations because it is the indispensable condition of self-realization, both for the marital couple and for the children. Its rigorous maintenance by law is necessary for social coherence and welfare, but even more for its educational value.

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[1] The "liberal" view is well presented in Bernard Shaw's *Getting Married,* a very witty play with an interesting preface.

The upholders of this view are, in general, quite aware of the difficulties in the theory and of the arguments that may be brought against it. They recognize, in the first place, the unhappiness that must inevitably follow a rigorous application of the norm in individual cases. This unhappiness is however, they hold, to a large degree the fault of the individuals concerned. The marital relation is founded too much on impulse and feeling and too little on volition. Marital happiness is not our right, but something to be achieved. The romantic idea of "living happily ever afterward" is an illusion unless we approach the making of a true marriage with the requisite good will. The rigorists do not deny that there are marriage bonds that really become "intolerable," and for these judicial separation is a necessary resort, but they hold that the appeal to intolerable cruelty and incompatibility is in the main a cloak for quite other reasons. Nor do the rigorists deny that the maintenance of this norm frequently involves deceit and vice on the part of many who seek to circumvent it, but they hold that the evils thus engendered cannot for a moment be compared to those which follow upon the license which a loosening of marital bonds inevitably brings.

It is, however, in connection with the children that the strongest argument is made. The permanent and united home as the indispensable condition of the moral development of the child, is taken as an indisputable premise. As a result of a broken family life the child is left "morally marooned." His father and mother, the two persons that have meant most to him at the beginning, have failed him. Since even they could not be loyal to each other and the family ideal, it becomes difficult for such a child to believe in the reality of loyalty and of social bonds. There are those who object that the divorce itself is not the cause of the moral abnormality of the children of divorced parents. Even if there had been no divorce, these children would have been compelled to live in unhappy homes, and it is better that the parents should separate than that the children should grow up in an atmosphere of continuous bickering. The evils of such a home are not to be minimized, yet there is one point here that should not be overlooked. In such homes, even where there is wide disagreement between the parents, the child still has a sense that there is after all a common life and common ends. Both of them are acting at least for his interest, however opposed their ideas may be. Such a situation is mentally confusing and emotionally upsetting, but after all not so morally destructive as is the divorce.

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[1] In his admirable book, *Marriage and Divorce,* two popular lectures distinguished by fine feeling and mature wisdom.

THE RADICAL VIEW

The radical position with regard to marriage and divorce proceeds from entirely different assumptions and reaches wholly opposing conclusions. Its major premise is that sex relations are primarily the business of the individual alone, and its ideal is divorce with mutual consent. This position is not new. During the Roman Empire the principle was recognized. Divorce could be had at the desire of either party and was very common. It is an ideal that tends to be revived in all periods of individualism, and is the inspiration of much of the tendency to frequent divorces at the present time.

The nearest actual approach to this ideal is in the marriage law of Soviet Russia. Marriage in present-day Russia, according to the revised laws of 1926, is a matter of simple registration. It is enough to declare that you are going to marry. Divorce is obtained in very much the same manner. You can get a speedy and inexpensive separation by simply stating a valid reason why you do not care to live with wife or husband. So far as the personal relation is concerned there is, therefore, almost unlimited freedom. But there are sordid matters of support, care of the children and the like, which even the ultra-radical Russian government cannot overlook. To begin with, it demands that parents should bear the responsibility of their children and bear it equally. This is the reason why the Soviets want marriages registered officially, although many of the anarchistically inclined Russians protest even against this formality.

The ideal of divorce with mutual consent is likely to appear in all individualistic epochs. Much of its inspiration is due to the romanticism which says of man that he was born free but is now everywhere in chains, the marriage bonds being one of the chief restraints which civilization puts upon the natural impulses of men. The naturalism thus involved in romanticism has, however, taken on a peculiar coloring in our own day. Men no longer think so much of *human* nature as of *animal* nature. In the recent Russian play, *Red Rust,* one of the communist girls, "married" to a communist leader, cannot rid herself of the bourgeois ideal of constancy and is therefore sad over the unfaithfulness and brutal cynicism of her partner. To which one of her more enlightened and hardened sisters answers: "Why should they be faithful? We are merely female animals."

THE LIBERAL VIEW

The so-called liberal view is equally opposed to the conservative and the radical. With the conservatives, liberals admit that on the union of men and women must ultimately depend the continuance and character of the race. All that makes that union honorable and desirable, and ensures that it shall be determined, not merely by the inclinations of man's selfish nature, but by a rational and social will, should be upheld and safeguarded. The weight both of custom and of law should be in the balance of continuity and permanence.

On the other hand, the liberal is just as insistent that on the question of divorce we must take a pragmatic standpoint. For him both extremes—of divorce by mutual consent, and no divorce for any reasons whatever, or for the sole cause of adultery—are abstract formulas, and we must swallow all the formulas. For him there is no way of solving this problem except through experience, and experience seems to be in the main in favor of liberalizing our marriage laws. The liberal is in general likely also to put great emphasis upon the changing rather than the permanent aspects of human life, to be impressed by the changing economic conditions that affect the external forms of family life, and by the growing consciousness of individuality, on the part of both man and woman, which leads them to make greater demands upon life in general and upon the married life in particular.

Those who hold this view, although liberal in principle, may yet argue in perfect good faith for the greatest self-sacrifice on the part of the individual in the matter of divorce. A man holding such views may be opposed on principle to rigid laws making divorce impossible or very difficult, and to all the immorality and deceit which the maintenance of these laws entails, and yet retain the ideal of permanence as normal to the ethical life. He may argue that while there are undoubtedly cases where a decent relation between man and woman can no longer be maintained, and separation and ultimately divorce are entirely justified, yet in the majority of cases sufficient effort has not been made to make the life together a success. He may demand increasing legal freedom, but at the same time insist upon the need of increasing education in the ideals of marriage and of the family which have been developed by the race.

The view here described in all probability expresses the state of public opinion and also the ordinary ethical consciousness of the time. It is probably also the most that can be legitimately embodied in law, for law embodies merely the minimum of morality necessary for the ethical life of society. It is therefore presented as the most workable theory of divorce in this sense.

This is not, however, it should be frankly admitted, the view of the present writer. The ideal of the *permanent* monogamous family, as worked out in the experience of the race and as sanctioned by the religious consciousness, seems to be the only ideal fully consistent with a perfectionist ethics. The influence of religious considerations in the formation of this view can not be denied, but in view of the close relations of morals to religion, to be developed in a later chapter, the exclusion of such considerations seems neither logical nor possible. In any case, the three possible attitudes, with both their premises and conclusions, have been presented, and the student must work out his own attitude in the light of the material at his disposal.

ANTHROPOLOGICAL AND HISTORICAL.

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* Hobhouse, *Morals in Evolution*, Chaps. IV-V.
* W. Wundt, *Ethics*, Vol. II, (Principles of Morals), Part IV, Chap. II.
R. Briffault, *The Mothers.*
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* J. Dewey and J. H. Tufts, *Ethics*, Chap. XXVI.
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PROBLEMS OF SEX AND MORALS.

W. I. Thomas, *Sex and Society.*
H. Ellis, *Man and Woman.*
F. Tracy, *The Psychology of Adolescence.*
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A. Maud Royden, *Sex and Common Sense.*

MARRIAGE AND DIVORCE.

* Helen Bosanquet, *The Family*, (moderately conservative).
* Felix Adler, *Marriage and Divorce*, (conservative).
R. C. Abbott, *What Men Live By*, Chap. XIX.
* B. H. Streeter in *Adventure* (liberal).
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CHAPTER XIV

CHARACTER VALUES
THE PLACE OF VIRTUE IN THE MORAL LIFE

The third of the fundamental concepts of ethics is that of virtue. Like the other two, rights and duties, virtues have also been made the central thing in ethics. Virtue has often been contrasted with pleasure and, as a result of this contrast, virtue rather than happiness is said to be the *summum bonum.*

In both Greek and Christian ethics the tendency is to put the emphasis on virtue. In both the "good man" is the central conception. To be, rather than to have or do, character rather than possessions or actions, are given the primacy in ethical thought. In a broad sense we may say, with Leslie Stephen, that "the direction of moral development is from doing to being," and that the ultimate question for the moral agent is what ought I to be?

This exalted position of virtue and character is part of the moral tradition of the race. It is all the more interesting to note that in recent decades both the term itself and the peculiar moral emphasis for which it stands, have almost departed from our current speech and thought. We still keep the word in our text books on ethics and most of them have a chapter on the virtues, but in ordinary life we shun the word like the plague. The depreciation of "conventional virtue" is not without a measure of justification. It is in part a phase of the reaction against the "smugness" of puritan and Victorian ideals, in part the result of a growing sensitiveness to the self-defeating character of the pursuit of virtue for its own sake. In reality, however, this depreciation is more seeming than real. The same basic qualities of character are still appreciated, only we have given them new and often slangy names. The virtues of courage, temperance, wisdom and justice are still valued, but we prefer to call men "white" or "yellow," "straight" or "crooked," "true blue," or a "rotter." We are contemptuous of the man or woman who is too careful of his or her own virtue, but we are equally contemptuous of them if they really lose it. The fact remains that we are still more interested in what men are than in what they do.

Life today may be primarily a life of action, but we cannot achieve or realize anything without inevitably achieving also something that we call character, something that we call the self. It follows that we still want to know what that character should be and what the self ought to become. Certainly any theory of ethics that conceives the end in terms of self-realization must give a fundamental place to character values, and for such an ethics the ideal of the "good man" must be central.

THE BROADER AND NARROWER MEANINGS OF VIRTUE

The term virtue has a wider and a narrower meaning which it is important to distinguish. According to the wider meaning, virtue is any human excellence, any excellence of character. The radical sense of the term is, indeed, strength. In this primary sense we speak of the virtues of plants or drugs in medicine—that substance or quality of physical bodies, *by virtue of which* they produce effects on other bodies. As applied to human qualities, its first signification was manliness, courage, valor. This was the primary signification among the Romans, although the sense is now almost obsolete.

This primary meaning easily and naturally expanded to include any quality of human character that is admired and valued. This was largely the meaning of the Greek use of the term, and it is in this sense that Plato and Aristotle spoke of the ethical end as virtue rather than pleasure. Taken in this sense, to define the ethical end as virtue is the same thing as defining it in terms of perfection or self-realization.

It is only in this broader sense that virtue or character may be said to be the highest good and the form in which self-realization is achieved. But there is a narrower meaning of the term, more in accord with popular usage and understanding, from which we must take our start.

According to this view, virtue is correlated with duty. The virtues are habits or aspects of character that are acquired in the performance of duties and in the recognition and fulfillment of claims or rights of various kinds. Virtue in this sense is not *any* excellence of human nature that we may admire, but only that form of excellence which is expressed in the good will—that good will of which Kant said that it is the only jewel that shines by its own light.

Virtue in this sense is related to overt human behavior very much as potential energy is related to dynamic. Virtuous dispositions are steadfast habits of obeying the commandments or of performing duties; and these habits or dispositions are valued in the first instance instrumentally, for their efficiency in promoting the welfare of society. We value the economic virtue of thrift or saving, especially in a capitalistic society, largely because it is only through saving that the capital necessary to production can be accumulated; and secondly because people of thrift do not become a charge on society. In general the virtues of bravery, temperance, chastity, etc., all have their instrumental value. Intemperance and automobiles do not go together.

VIRTUES AS INSTRUMENTAL VALUES

There can be little question that the primary point of view from which the good and bad qualities of men should be studied is the pragmatic and utilitarian. Gratitude has been defined as the lively expectation of favors to come. Without undue cynicism we may say that we call those qualities admirable or virtuous from which we expect certain types of desirable behavior.

This instrumental character of the virtues is brought out clearly in any study of the evolution of morality and moral sentiments. The qualities approved and admired by primitive men correspond in the main directly with the kinds of actions favorable to the survival and welfare of the tribe. "The 'good man,' almost everywhere among primitives, is one who keeps his promises to his fellow tribesmen, is not lazy in group affairs, does not steal from his fellows, does not murder one of them, especially if he is young and fit, and thus reduce the strength of the tribe, or precipitate a blood feud." Courage and loyalty are two of the qualities everywhere admired.

It seems probable also, from what we know of the mentality of primitive peoples, that the *virtus,* or strength, which was thus admired was thought of more as a "natural" than as a "moral" quality, that is it was thought of just as any physical quality, rather than as one in any way acquired through the choice or will of the individual who possesses it. We see the same thing in connection with "natural accountability," as contrasted with moral responsibility, about which we shall have more to say later.[1] Primitive man will hold his fellow accountable for his actions just as he might an animal, without any clear sense of moral responsibility arising out of conscious motive or understanding of the meaning of the act. Similarly, it appears that desirable qualities are often admired and valued without any clear sense of their relation to character and deliberate will. It is only on later stages of development that this relation to character is realized and the qualities become valued for their own sake, as part of the nature of the good life itself.

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[1] Chapter XVII, p. 400.

RELATIVITY TO STATES OF SOCIETY

The outstanding fact from this point of view is the relativity of the virtues. Virtues, like rights and duties, are functional and not substantive. From their functional character follows their relativity. This relativity of virtue takes two forms: (1) to stages of development, or states of society; and (2) to social function.

The relativity of rights and duties, is, we have seen, a necessary consequence of the evolution of society and of the change in environment, physical and social. New occasions teach new duties. But it is also true that time makes ancient good uncouth. Primitive virtues, as we call them—physical valor, tribal loyalty, maternal love, etc.—are clearly functional and, in all probability, in their primitive forms at least, determined by processes of "natural selection." Their survival value is obvious. But that which has survival value on one level may not have the same value on another level of development and in another enviromnent—or at least lose much of its significance. Physical courage may lose much of its value in the context of modern life and brute, unthinking, loyalty may be a positive detriment. There are reasons for believing that the economic virtue of thrift, so important in the earlier forms of our competitive and capitalistic civilization, is losing some of its importance in the more highly organized forms of economic activity of the present, and through the wide extension of the credit system. Certainly it is relatively less valued.[1]

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[1] Certain economists, among them even some of high standing, have even condemned in no uncertain voice the virtue of thrift. People must buy and buy freely if production is to go on. Yet it is doubtful whether these same economists would be bold enough to deplore the increase of life insurance in the modern world. Thrift of some sort must continue, although it may change its form.

It is true that attempts to exalt moral above physical courage, loyalty to such ideals as truth and humanity above loyalty to group, may meet with little popular success. Undoubtedly any outstanding exhibition of physical valor or of unthinking loyalty will continue to call out the admiration of the majority of mankind, whereas the finer and more subtle forms of virtue will go relatively unnoticed. But what do these facts mean? They are partly explained, no doubt, by such words as survival and "atavism." But they represent also a sound common sense which recognizes, not only the essential continuity between the primitive and the more civilized virtues, but also that these same elemental qualities must remain the basis for all higher developments.

RELATIVITY TO FUNCTIONS IN SOCIETY

From the primarily instrumental character of virtues follows also their relativity to the functions of society. Just as men will always admire the good carpenter or the good lyre-player of which Aristotle speaks, so in our modern life men will admire the good baseball player, the good aviator, the good business man, etc., rather than the "good man" in general. Men are practical and the essence of practicality is reference to the specific situation. A certain amount of specialization in our conceptions of character and virtue is inevitable.

This phase of the relativity of the virtues was seized upon by the Sophists in early Greek thought. The functions of the freeman and of the slave in an organized society such as the Greek city state, were radically different; the functions of the two sexes in society generally are even more fundamentally different. Is it not natural to suppose that the desirable dispositions in these cases are also radically different? So the Sophists thought.

We find the same tendency in modern life and thought, even more exaggerated perhaps. The increased division of labor and differentiation of function in our industrial and civil life has had its effect on the life of the spirit. Exaltation of the economic virtues is a characteristic of our time. The tendency to reward them out of all proportion to their significance in the total life of society, naturally brings with it the feeling that they really are fundamental and that they, in a sense, constitute the norm. A man might be little flattered if he were called a *good* man in the ancient and honorable sense of the word, but if his chief in business described him as a "good man," with the special meaning implied, he would be likely to be greatly pleased.

Despite these exaggerations, there remains an element of truth in this conception of relativity of virtue to social function. If virtue be thought of in its relation to duty, it is scarcely possible that it can escape this specialization any more than duty. The virtues of a physician are not quite those of a farmer, those of a commercial man not quite those of a man of science, those of a priest not quite those of an artist. Even more does the far-reaching specification of function in the case of men and women, make it true that, on the whole, the qualities which we respect and admire in men are not the same in all respects as those which we admire in women. Common elements there are, as we shall see, in all these variations, but the functional character of the variations makes them important too.[1]

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[1] This relativity of virtues to functions in society has given rise to special codes of ethics, of which what are called "Medical Ethics" and "Legal Ethics" are the outstanding examples. Without going into details, we may point out that the leading idea of these special codes is always that there are special duties or obligations belonging to these specific functions in society. The obligation of the physician to prolong life at any cost, and to be at the service of those who are sick at all times, irrespective of profit, is paralleled in legal ethics by the obligations of the lawyer to serve the cause of justice. A similar tendency is observable in present-day business. The increasing effort to make of business a profession, to substitute for the pure profit-motive that of service, is one note-worthy feature of our time. An informative and valuable attempt to bring these various codes together in one general treatment will be found in a book by Carl F. Taeusch, *Professional and Business Ethics*, 1926.

THE CARDINAL VIRTUES. PLATO

The relativity of the concept of virtue in the two senses defined and explained, is undeniable. "Nothing," says Montaigne, "in the world varies so greatly as law and custom. A thing is called abominable in one place and in another is praised, as in Lacedæmonia clever thieving was admired." What is true of acts is in a degree also true of qualities or dispositions. That which is "virtue on one side of the Pyrenees is vice on the other." What is virtue at one time is often vice in another, and what is abominable for one class is often praised in another.

Nevertheless, few moralists have been content with this too ready and impressionistic view of the situation. Underneath, or through, the changing conceptions of virtue and of character, they have felt—and rightly—that there are certain more or less constant human qualities that are not only admired everywhere, at all times and by all men, but which remain in their essence constant, despite their change in form. If, from the accidental elements due to different levels of historical development and different environmental conditions, we separate out what is their essential *form,* we shall find that this essence does not change. There are, so to speak, certain absolute character values that are permanent and intrinsic.

This notion of a permanent ideal of character and of unchanging values, was expressed by Plato in his conception of the *cardinal virtues.* It was, in fact, partly as a reaction against the extreme relativity and scepticism of the Sophists, that first Socrates, and then Plato and Aristotle, developed their conceptions of universal and common virtues. Plato's list has at least the merit of simplicity. It contained only four—Wisdom (or Prudence), Courage (or Fortitude), Temperance (or Self-Restraint) and Justice (or Righteousness). Plato, and Greek moralists in general, thought of these as cardinal, not only because in one form or another they are universally valued, but also because they are fundamental and irreducible, being those qualities of character on which all the others hinge.

THE COMMON ELEMENT IN THE CARDINAL VIRTUES

The cardinal virtues are the names we give to certain constant qualities or dispositions of men developed in the choice of higher values over lower. Thus temperance or self-control is steadfastness of will in choosing higher personal values rather than the lower bodily values. Courage is a like quality of the will in the presence of danger or pain. Always admirable in itself, it gets its degree of value from the nature of the goods or values for the sake of which the risk of danger or pain is run. Justice is the determination to be impartial in the face of personal prejudice, preference or self-interest. It involves a like steadfastness of will in keeping the claims of other persons or social interests before our minds; and the quality or degree of that justice is again determined by the breadth and significance of the interests involved. Justice to a person is always easier and less admirable than justice to a class, or to interests remote from our personal sympathies. Wisdom, in the ethical sense, is the determination to know the truth and to found action on that knowledge. Primarily it is the knowledge or understanding of relative values—that knowledge which enables us to put things in their right order. But it involves also the knowledge of means to ends and of the consequences of our acts.

The mere fact that the four fundamental virtues are called cardinal implies that there are other dispositions or qualities to which we may properly give specific names and include in a list of the virtues. Perceiving this fact, Aristotle, who followed immediately after Plato, was led to a considerable expansion of the list. Anything like a complete list would include, among others, such desirable qualities as the economic virtue of thrift; the specific virtue connected with the sex life, called chastity; and the peculiar social virtue of loyalty in its manifold forms. An examination of such qualities would show, however, that their virtuous character is to be found precisely in the element common to all the virtues. Thrift, aside from its elementary prudence, is steadfastness of will in choosing future over present economic good. Chastity is a form of temperance, but its real essence is steadfastness of will in choosing personal and other higher values over the immediate physical satisfactions of the sex life. Loyalty, in its varied forms, is steadfastness of will in choosing social values rather than individual.

ANOTHER WAY OF LOOKING AT THE VIRTUES. ARISTOTLE

The preceding way of looking at the virtues is static. It seeks to discover that which is cardinal or essential in all forms of behavior or types of character to which we attribute value. These qualities exist irrespective of levels of development in the individual and of the evolution of the race. There is, however, another aspect from which the character values may be considered and classified, namely the developmental. This principle was used by Aristotle and has been followed by many since his time.

The essential of this view consists in recognizing different levels of functioning in man. Artistotle thought of man as having three different souls, a vegetative, an animal and a rational soul. Man is, so to speak, an *epitome* of the different levels in the development of living things. The moral life, or the good life of man, consists in making actual the rational potentialities of man, what he called the *Nous* or Reason.

Now the life of reason consists in two things: (1) in the rational control of the impulses or drives that spring from the vegetative and animal selves; and (2) in the development of the rational functioning for its own sake. In the first case, the task of morality is to make of the natural or organic self a rational self. In the technical terms of Aristotle's philosophy, the material or possibility of the ethical life is just this organic self. The ultimate form or actuality of the ethical life is the reason. Virtue is the *process* of the ethical life from its possibilities to its actuality: it is thus the essence of the moral life. The natural endowments of men are the material of morality, the reason is its goal, while the means of developing the natural endowments into rational activity are virtue.

Corresponding to this two-fold aspect of the life of reason, the virtues may be divided into two classes, the practical and the theoretical or *Dianoetic*. The practical virtues, such as courage, temperance, chastity, thrift, are essentially steadfastness of will in choosing the higher functioning over the lower. It is impossible to formulate particular rules in the acquirement of these habits or virtues. The only principle for guidance, according to Aristotle, is that reason should always choose the mean between two extremes. Thus courage is the mean between the two impulses of cowardice and rashness; temperance between intemperance and insensibility; friendliness between obsequiousness and brusqueness. Moderation is the watchword in the cultivation of the practical virtues.

The dianoetic virtues, on the other hand, are the means towards the attainment of pure rationality for its own sake. For Aristotle wisdom, in the broadest sense—including what we have elsewhere called the spiritual values, the intellectual, the esthetic and the religious—has intrinsic value. The theoretical virtues unfold or develop the pure activity of the self. As such, they are higher than the practical virtues, and give the most noble and perfect pleasure.

The Aristotelean conception of the dianoetic virtues does not appeal greatly to the spirit of our age, partly because of our practical or pragmatic temper, and still more, perhaps, because of the narrow concept of reason that is dominant. When we think of reason we are too likely to confine it to the purely scientific processes of induction and deduction, and no one would be disposed to think of the specifically "scientific" virtues, important and noble as they are, as the highest values of life. On the other hand, it is no less clear that the "spiritual values" are higher than the other values, and that the virtues connected with their choice and realization create character in its highest form.

The modern democratic dislike for this aristocratic conception of virtue is in a sense justified. Because in general the dianoetic virtues are the higher, it does not follow that the characters who possess them are necessarily higher and finer than those who possess them not. The simpler virtues of the poor, the ordinary "practical virtues" of men, are often finer than the excellences of mind. An illustration from the kindred sphere of art and esthetic judgment will help to make this clear. We all recognize classes and levels in the arts. In general, the graphic art of painting, with its representation and significant expression, is a higher form of art than patterned textiles and rugs. No one would be disposed to insist that the latter are on the same level in this respect as the former. Yet it is equally true that a fine rug may be infinitely more beautiful than a commonplace painting on canvas. It is no different with the qualities of men. A fine example of simple homely loyalty or courage may be infinitely better and more beautiful than a mediocre manifestation of the highest spiritual qualities of men.

THE SIGNIFICANCE OF THE CLASSICAL THEORIES OF VIRTUE

The importance of these two ways of looking at the virtues lies neither in the fact that they come with the authority of the names of Plato and Aristotle, not in any claim to finality as lists of virtues, but rather that they represent the only two fundamental ways of looking at the valuable qualities of men. Greek life is not our life, and the description and classification of the specific virtues adequate for their times and conditions, may not be adequate for us. But there is, after all, what Chesterton, has called "The Everlasting Man," and both Plato and Aristotle have caught something of his everlasting character.

Every age must in a sense construe its own virtues for itself. In every age character must react in new ways to the difficulties of the situations that face it. The moral life is not stationary. It is a constant progress, and the virtues in which it expresses itself necessarily change from age to age. Thus we find that the precise meaning of the cardinal virtues alters from time to time. The interpretation which we give to these virtues today differs from that which they bore in Plato's time. Yet they are fundamentally the same aspects of goodness. Similarly, our way of conceiving the development or evolution of man differs in many respects from that of Aristotle. But the life of the individual and its development remain in essentials the same. Man has the same raw material of organic life—the same rational self to make out of the organic self, the same levels of being and, in principle, the same scale of values.

Of the moral life of man, it may be truly said, in the words of the famous proverb, "the more it varies the more it remains the same." "The solid meaning of life," writes William James, "is always the *same eternal thing*" (italics mine), "the marriage namely of some unhabitual ideal, however special, with some man's or woman's pains. And, whatever or whenever life may be, there will always be the chance for that marriage to take place." [1] To this we may also add that, however varied that life may be, these same qualities, singled out by Plato and Aristotle, will be necessary to make that life a good life, and will also be for that reason always demanded and admired.[1]

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[1] *Talks to Teachers,* etc., 1899, p. 299.

VIRTUE AS INTRINSIC VALUE. CHARACTER VALUES

We come now to the most difficult question in connection with the nature of virtue and its place in the moral life—the question, namely, to what extent the virtues have intrinsic value, apart from their value as means to ends, social and individual.

There can be no question, we saw, that in their primitive form the value of virtues is largely instrumental. Even here, however, it would be a mistake to think of them as wholly so. All that we can learn about the moral sense of primitive peoples seems to indicate that they also have an immediate and unaffected joy in character, as they understand it, for its own sake. Prowess, valor, loyalty, even sincerity and truthfulness, they seem to value for their own sakes. But whatever we may say of primitive peoples, there can be no doubt that on more developed moral levels virtues have intrinsic value. Not only does the possession of these character values bring a direct and immediate satisfaction to those that possess them, but they bring a similar joy and satisfaction to those who behold them.

The attempt is often made to explain how this came about psychologically. Just as we come to admire the skill and technique of an artist for its own sake, so (it is often said) we come to admire manly courage or self-sacrifice quite apart from the consideration of its effects. This admiration is held to be partly due to a contrast effect—the contrast between the difficulty of the performance and the ease with which it is carried out; partly to the rarity of the quality, as when the value of an economic good is increased by its rarity and tends to be felt as intrinsic; but chiefly to the more or less unconscious sense of the potential good for which the acquired disposition stands.

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[1] This permanence in change of the virtues has been brought out by T. H. Green in masterly fashion in his *Prolegomena to Ethics,* Chapter V. His study of Greek and modern conceptions of virtue is a classic in this field and should be read by every student of ethics. Of the Platonic or Aristotelean conception of virtue he writes that it "is final in so far as it defines the good as goodness; but as a concrete ideal it was conditioned by the moral progress then achieved and is therefore necessarily inadequate."

That these are factors in creating our intrinsic valuation of excellence of character cannot be denied. But they do not tell the whole story. No such explanations go to the root of the matter. The real reason that we value virtues for their own sakes is that they are forms of self-realization and self-realization is not only an intrinsic good, but the highest good. Such values, then, are in a sense final and ultimate, since the possession of them is the possession of what is good in itself. They are not merely means to living well, *but part of the actual content of the good life, or rather aspects of the nature or character of the very goodness of that life.*

It is sometimes said that such intrinsic evaluation of excellence of human character is esthetic and not ethical. And in a certain broad sense of the term esthetic, this is doubtless true. It has often been maintained that all value is ultimately esthetic, just so far as it is fully and genuinely value in the strictest sense of the word. The name matters little. The important thing is the recognition of the justification of the intrinsic value of character *as such,* as part of the very goodness of life.

PERVERSION OR DISTORTION OF THIS VIEW

It is possible to give a horribly distorted rendering of this view—of virtue for its own sake. Thus in the Bollenger baby case, one Virginia country doctor wrote that the baby should have been allowed to live as an opportunity for the development in the parents of the virtues of patience and self-sacrifice! During the World War a certain public man asserted that the war was already won, that it had already justified itself in the moral qualities it had engendered in men. He was doubtless in error as to the extent and grandeur of these qualities, as a later acquaintance with the actualities of war has made quite clear. But even if the facts were true, the notions involved in such statements are morally repulsive to us. But because this view—of the intrinsic value of character—may be distorted, it does not deprive it of its essential truth. The patience and self-sacrifice of parents, the courage and loyalty of citizens in war are, in the first instance, qualities of instrumental value for life. As moral rules exist for life, not life for moral rules, so virtue exists for life, not life for virtue. But so soon as we take a broad and deep enough view of life, we find that these qualities are in themselves part of the good life.

In the light of these considerations, we are able to understand the persistent tendency towards the ascription of absolute value to altruism in the ordinary moral sense of mankind and in many of the higher ethical religions. It is not difficult to show rationally that unenlightened altruism is likely to be self-defeating. We may point out that altruism, like egoism, is a "natural," non-moral quality and can be moral or immoral according to its mode of exercise. But the absolute, mystical evaluation of the altruistic quality still persists, if for no other reason than that its presence in man is to us an assurance of what humanity may ultimately become.

NORMS OF CHARACTER. THE IDEAL SELF

To the question, What ought I to be? traditional ethical thought, both Greek and Christian, answers that I ought to be virtuous. The ideal man is he who possesses all the virtues. In thus defining the ethical end in terms of virtue or character, it is assumed, however. not only that the virtues or character values have intrinsic value in the sense described, but also that virtue is understood in the broad sense of human excellence, and not merely in the narrower sense of obedience to the duties.

The situation here is precisely the same as that which we found in the study of the duties. We may formulate a table of duties and label it the whole duty of man. But there is still the main thing lacking—namely the spirit. For this reason we found the great moral geniuses formulating summaries of the commandments in which they seek to go back of the duties to the meaning of duty in the life of man. We find the same thing in the case of the virtues. In summarizing the totality of virtue, they pass from a sum of the virtues to the ideal of the "good man."

To the question, then, what ought I to be, morality is likewise not content to say, be virtuous, and to enumerate the habits and dispositions that I ought to have or acquire. To this way of answering the question, it adds likewise maxims which summarize the whole virtue or excellence of man. Morality is full of such maxims. In different moods and different contexts we may say different things, but they all mean very much the same thing. Be yourself; to thine own self be true. Be a person and respect others as persons. "Be ye therefore perfect, even as your Father which is in Heaven is perfect."

The relation of norms of character to the specific virtues may be stated in the following way. Each of the specific virtues examined represents some character value. Each is in reality a norm in terms of which we value character. But underlying all judgments of this type is some ideal of human character or personality as a whole, some conception of the ideal self which directs and guides our judgments. An attempt to characterize, to some degree at least, the nature of this ideal is the final task of this chapter.

The difficulties of this task are very great. If the precise meaning of the virtues changes from age to age and from class to class, still more do men's ideals of character. The "manly man" and the "womanly woman" are in many respects quite different persons in different epochs, epochs so near together even as the Victorian period and our present time. Still more are the ideals of the Greek, the medieval, and modern times different. Nevertheless, if our general conceptions are sound, we may at least find some general principles of character rating which are universal in nature.

DEFINITION OF CHARACTER

Let us begin by attempting a definition of character. Our attempt will be to find one that will be broad enough to cover all its uses, whether psychological, social or specifically moral.

In this more general sense, character, as applied to persons, is our name for the unified sum of all the elements of personality—intellectual, emotional, instinctive. In the idea of character is included not merely the notion of a sum or conglomeration of elements, but a *unified* sum. This is recognized in both the artistic and psychological dealing with character. The novelist or playwright recognizes that if he is to give a true characterization of the person he must get at the unifying element of the person. In that part of psychology which deals with personality, or characterology, it is recognized that some sort of intuitive process is necessary and that character cannot be grasped by summing the elements of analysis.

As employed in ethics, the notion of character contains the same idea of a unified totality, but in this case the emphasis is put upon the beliefs and values which determine the conduct of the individual, and about which his personality is integrated. Our conception of character is bound up with this idea of integration, and we tend, correspondingly, to value character in terms of the values that serve as centers of integration, that are determinative for the life of the self as a whole. In our study of the scale of values, we found that value to be highest which contributes most to the coherent functioning of our life as a whole, and those objects are highest which contain in them the greatest potentiality of bringing about this integration.

THE PRINCIPLES OF CHARACTER RATING

Men are constantly grading or rating the characters of their fellows. They are constantly valuing them, not only in terms of what they have and what they do, but also of what they are.

Even in such a practical publication as Bradstreet's, which gives the rating of business men and concerns, the amount of "credit" to which a person or institution is entitled is given in part in terms of character in the ethical sense. One man with a property of $500,000 may be graded as "A," the highest class, while another, with the same amount of property may be graded as "E," which means that he is unreliable.

Rating of this sort is in terms of what men are, and what they are is determined in terms of what they have done. Their character, which is thus so important a part of their "credit," may then be said to be an instrumental value. This character is of course, in the first instance, rated from the standpoint of what we may call the more economic virtues such as thrift, honesty, the value of a man's word or promises, etc. But the rating really includes much more than this. Evidence that a man is intemperate, loose in sexual matters, unjust in his personal or social relations, inevitably affects judgment as to his credit in the financial sense, the reason being that, while we may analyze or separate out the different qualities, the individual is after all an integral whole. Here also the chain is no stronger than its weakest link.

This general assumption—underlying all character rating, from the most practical and commercial, to the highest ethical and esthetic judgment—develops into a norm which we may describe as the norm of *integrity*. Integrity in the practical sense has special reference to uprightness in mutual dealings, trustworthiness in those relations which are developed in such institutional forms of life as property and the family, but it comprehends in the end the entire personality. We may describe it as integrity of life. This norm of character springs directly out of the ethical end or ideal of self-realization. We can describe the good of man in no other way than in terms of the realization or fulfillment of the varied functionings that make up his being or nature. In each realization or fulfillment, however, the self is involved; realization implies self-realization. Similarly we can describe the good man only in terms of the varied qualities that are acquired in these functionings. But the separate qualities are so related that they inevitably make a character—a harmonious or inharmonious whole.

In the application of this norm two ways of judging, or two types of judgment on character, may be distinguished. The first of these may be called the quantitative and has to do with the strength or weakness of the character. The root meaning of the term virtue we found to be strength, and this meaning survives in all our judgments upon character, from the most primitive to the most highly developed. The common element in all the virtues we found to be steadfastness of will in choosing higher over lower values. In applying as a norm of character judgment any one of the virtues, one is applying also the norm of strength of character, and this strength or steadfastness is part of the ideal of integrity.

The ideal or norm of integrity includes then always the quantitative notion of the strength or weakness of character, but it includes also a qualitative notion, the norm of harmony or totality. It is true that the notion of strength implies also to a degree that of harmony. Imperfect integration, lack of harmony among our impulses and desires, means weakness. A divided self is a powerless self. But a well integrated personality implies something more than the mere absence of conflict. Harmony is a positive concept and the objective reality for which it stands has intrinsic value.

Primarily esthetic in meaning (in fact first used in connection with music), the notion of harmony has been gradually extended to the sphere of morals, and ultimately to that of knowledge also. The notion of unity in variety, and of a harmonious whole, enters into all our judgments on personality. The "all-round man" of ordinary speech is in reality but a popular way of expressing this norm. We realize perfectly well that men may manifest the basic virtues in connection with any specialized function or activity, but we also realize that even such virtues as courage and self-restraint, when made thus merely instrumental to some narrow end, may involve defect or distortion of character. We speak then of a man having the "defects of his qualities." In the last analysis such defects appear to rise out of lack of wisdom in the broad sense of the term, or as we say now-a-days, lack of a "sense of values."

It seems scarcely possible adequately to interpret our judgments on character and personality without bringing in what may be described as an esthetic element. The Greek ideal of the *kalokagathos,* literally rendered, the "good and beautiful man," was determined by the specific conditions of Hellenic life and culture, but it appears to have in it an element that is independent of time and place. As the specific virtues have an intrinsic quality, or in other words are aspects of the very nature of character, of the very goodness of life itself, so integration, wholeness or harmony of life, are not only means to the good life but of the very essence of that life.

Such judgments are inevitably esthetic in character. In so far as human character or personality becomes the material of art of any kind, the artist inevitably seeks to catch this quality of wholeness, or lack of it. The good portrait painter is not he who reproduces in life-like detail the particular features of his sitter, although that is of course to a degree necessary, but rather he who catches the element of unity in the character. Good "characterization" in novel or play—and even in biography—is not an external summing up of qualities, but rather an intuitive grasp of the integrating principle that makes of the character a whole. Apprehension of moral character is of like nature. A moral judgment on character is valid only in so far as it expresses the truth, only in so far as the character on which the judgment is passed has been truthfully apprehended. Such apprehension of truth of character is, however, always impossible without that intuition which is akin to the esthetic. It is for these reasons that the notions of the good, the true, and the beautiful have been said to be bound together by "a cord not lightly broken" and this cord seems to be the notion, common to them all, of harmony and of wholeness.

The norm of character here developed is manifestly abstract and formal. It gives the *form* of the good life rather than the content. For this reason, like the ethical end itself—of total self-realization—it is empty and practically useless until it is filled with concrete content.

In our actual judgment on human character, therefore, we use standards or ideals which embody this norm in more concrete form. The relativity is apparent in our norms of character as a whole. It is quite evident, for instance, that as the soldierly virtues are different from the priestly, as those of the man of action differ from those of the man of reflection, so our ideals of character will vary. All will embody the norm of integrity, but will vary in the manner in which the qualities of men are integrated.

This general rule has particular application to our ideals of character of the two sexes. The "manly man" and the "womanly woman" are both norms that embody the human ideal, but they have concrete differences which can not be wiped out without confusion of values and the distortion and ugliness that follows all such confusion. The womanly woman is womanly only in so far as her character is integrated, in so far as it manifests both strength and harmony. But this integration has its own quality of excellence. By the very nature of the case, the chief integrating factor in her life is wifehood and maternity. In the fulfillment of these functions the fundamental human "virtues" will come into play, but they will have a specific character, and the "dominant" in the harmony will be different from what it is in the case of man. Strength will be there, but it will be a different kind of strength. Harmony will be there, but to the sensitive ear a different, perhaps a finer kind of harmony.

THE MAKING OF THE SELF. NATURAL EXCELLENCE AND ACQUIRED VIRTUE

The human self is in a sense born and not made. In another sense it is made and not born. This dual character of the self is reflected in our maxims. In one context we are bidden "to be ourselves," in another to "make something of ourselves."

The first command implies that we have certain natural possibilities or endowments, and that the task of self-realization is largely that of removing the impediments or inhibitions to self-expression. The second implies that the natural self is but raw material out of which a true or genuine self is to be made. While the former conception is not without its element of truth, the latter is the more important notion if the true self is a social self, as described in Chapter VII.

The making of the self is in a sense then the final task of morality. "The problem of morality is the formation out of the body of original, instinctive impulses which compose the natural self, of a voluntary self in which socialized desires and affections are dominant, and in which the controlling principle of deliberation is the love of the objects which will make this transformation possible."[1] Such a self is a virtuous self.

In this transformation two aspects are to be noted, the natural self and the voluntary self into which it is to be transformed. The first character of this voluntary self is that it is a social self, one in which socialized desires and affections are dominant. Such a social self can be created only by the love of certain objects—certain social ideals and models, types of character in which socialized desires and affections have already become dominant. As the artist begins by imitating certain masters and only gradually finds himself, so in the moral life the individual starts with certain social norms and ideals.

But it is always a natural self that is thus to be transformed into a voluntary self; and the natural self includes, not only the original and instinctive impulses that are common to all, but the specific qualities and endowments that make up the individual. The voluntary self has therefore always a social character, but it is also a unique and individual whole. The task of morality must be conceived then as going beyond the creation of socialized desires and affections; it must include the transformation of the natural self, which is the unique possession of each individual, into an integrated whole which has its own peculiar and intrinsic excellence.

It is at this point that we see the true relation of virtue in the narrow sense to virtue in the sense of human excellence in general. The task of morality is the making of a voluntary self, and no such self is possible without the specific virtues. Virtue in the narrow sense was, for Aristotle, the means of developing the natural activities of men into rational activity, which is the sum and substance of the good life for men. This rational activity is precisely that integration of life which makes the voluntary self, and this integration is brought about by the love of objects that transcend ourselves. It is only in this sense that virtue may be called the highest good; but such virtue will always include those fundamental and universal character values which are the indispensable conditions of self-realization.

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[1] Dewey and Tufts, *Ethics*, p. 397.

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PART III

MORAL PHILOSOPHY

CHAPTER XV

MORAL PHILOSOPHY: THE POSTULATES OF MORALITY

PHILOSOPHICAL PROBLEMS OF ETHICS

At the beginning of our study we found a difference between ethics and such sciences as psychology and biology, for instance, which is best expressed by the distinction between normative and descriptive. Ethics is a normative science in that, through the study of human ends and values, it seeks to establish standards or norms in terms of which human conduct can be evaluated. Such standards have now been formulated—in the fields of human rights, duties and virtues—more particularly in connection with the institutions of property and the family.

It is, however, precisely this character of ethics as normative that makes it also a part of philosophy, and its more fundamental problems ultimately philosophical in character. All sciences, even the purely descriptive, have their philosophical side and ultimately trench upon questions which are called metaphysical. Both physics and biology—the two sciences in which fundamental conceptions are today most in flux—are becoming increasingly philosophical in character. But this general tendency is preeminently present in all knowledge or science that deals with norms. This is due to the peculiar nature of a norm, as distinguished from a law in the ordinary sense of descriptive science.

A standard or norm of conduct is in a sense a description also—a description of the morally good or the humanly valuable. As such it purports to give us a *true* account of matter of fact—of what *are* human rights, of what *are* our actual duties, and of what actually constitutes the good or virtuous man. But a norm or standard is a description of a particular kind or, better expressed, it is something more than a mere description of the matter of fact of the moral life; it is at the same time the delineation of an ideal. A standard is a standard precisely because it is an ideal that is meant to be realized or carried out in conduct. A norm is a norm just because it tells us what ought to be rather than merely what always actually is.

It is because then of this character of norms as ideals that the philosophical problems peculiar to morals arise. A norm is a norm because it tells us what ought to be, but knowledge is usually knowledge of what actually is; how then can we have valid knowledge of what ought to be? A norm is an ideal and, as an ideal, is meant to be realized or carried out in conduct. But such an ideal implies that it *can* be carried out. How do we know that human beings have the ability to modify their conduct in the direction of an ideal (that is are free); or how do we know that the world is actually of such a nature as to make realization of our ideals possible? In other words, the whole "science" of ethics makes certain assumptions and the determination of the truth or validity of these assumptions takes us beyond morals themselves into moral philosophy.

THE POSTULATES OF MORALITY

This situation is generally recognized by moral philosophers. It is generally understood that there are certain postulates or presuppositions without which morality would be an illusion or at least unintelligible. The recognition of the fact is as old as ethics itself, but the first clear-cut statement we owe to Kant. Now Kant not only recognized the situation described; he also gave to these assumptions which we all more or less clearly make, a special name which has played a great rôle in all ethical and philosophical thinking ever since. He called them the *Postulates of Morality,* and, according to his view, the necessary postulates included the reality of freedom of the will, belief in immortality, and the existence of God. In his famous work, *The Critique of the Practical Reason,* he showed how these postulates are as necessary for morality as certain principles of the theoretical reason are necessary for physical science. In another work, *The Fundamental Principles of the Metaphysic of Ethics,* he developed even more fully what we have described as the philosophical side of ethics, or moral philosophy.

Kant was not only a great moralist but a great philosopher, in the larger sense of including all science and knowledge in the range of his thought, and in the sense also of thinking things out in a stubborn and comprehensive way not common in ordinary thought. We shall do well to follow his lead in this part of our study. We shall not want to follow him slavishly. We have already found it necessary to differ from his formalistic conceptions of morality. It may turn out that he is also wrong in his conception that these postulates are necessary for morality. But he at least affords a useful starting point for our own explorations in the field of moral philosophy.

THE POSTULATES OF MORALITY AND THE POSTULATES OF SCIENCE

It is generally recognized that all knowledge or science, of whatever kind, proceeds on certain assumptions or postulates, themselves not demonstrable. Each individual science has postulates peculiar to it. Thus geometry postulates certain truths, formerly called axioms, on which it builds its structure. But physical and descriptive science, as a whole, proceeds on certain general assumptions which determine the methods of such science. Of these the most fundamental, perhaps, is that of the uniformity of nature, or the reign of law, and of the principle of universal causation, closely connected with it. It is generally recognized that these beliefs are not demonstrable by experience, but are presupposed by experience. Formerly they were called axioms, or self-evident truths of reason. It is now quite generally recognized, however, that they are not axioms but postulates. In this respect, then, ethics and ethical knowledge but share the general character of all knowledge. There is, however, a difference between the postulates of ethics and those of the descriptive sciences which must first be made clear.

A postulate, as the word indicates, is a demand made by our reason, in contrast to an axiom which is conceived of as immediately self-evident to intuition. First used in the science of geometry, the notion was later extended to science in general and ultimately, by Kant, from the merely theoretical to the practical or moral reason. It is with the latter that we are primarily concerned, but we must first note the difference between a postulate in the moral sphere and one in that of purely theoretical knowledge.

Kant was quite clear in his own mind that there is a fundamental difference, and I think we shall find that he is right. A postulate in the realm of the purely scientific or theoretical reason is only for the purpose of explanation. It does not much matter from the standpoint of life and of practice, whether I make the postulates of Euclidian or non-Euclidian geometry. The same is true of what we call an hypothesis in science. Whether I make the hypothesis that light is corpuscular or an undulatory ether is important for scientific knowledge, and for practical control of light based upon that knowledge, but it is a matter of relative indifference for life in its moral aspect. But the rôle of a postulate in the practical life of morality is of quite a different character. Here, as Kant says, "a postulate is a requirement of practical reason, it is based on a *duty,* that of making something, the highest good, the object of my will so as to promote it with all my powers. In which case I must suppose its possibility and consequently all the conditions necessary thereto, God, freedom and immortality." Kant goes on to point out that, whereas belief in the sphere of science is not necessary, and even sometimes not desirable, faith—that is rational faith—is necessary in the realm of practice.[1]

It is probable that if we were merely moral beings, practical in Kant's sense of the word, we should raise no question either about the authority or validity of our moral distinctions and judgments, or about belief in those things that seem to be implied in moral life and moral judgment. So long as one is in action, one can scarcely doubt that he is free. While one is living to the full, it is hard to believe that life will ever stop. In so far as one is mastered by some purpose in life, one rarely doubts that that purpose has some significance and is in some relation to larger purposes in society and the world. While one is in the midst of the strife of life, seeking to bring about the reign of right and justice in the world, it is hard not to believe that there is a power, not ourselves, that makes for righteousness—a moral world-order of which our particular legal and political order is but a part. These are, in very truth, "the truths men live by," and for these truths to turn into error and illusion in our hands, is in a very real sense for us to cease to live.

But man is not merely a moral being, not merely a man of practical reason in Kant's sense. He is also a man of reflection—a theoretical being. His will is often "sicklied o'er with the pale cast of thought." With his abstract reason he often denies the very things which his deeper practical reason asserts. There is thus a contradiction or dualism in the very heart of his nature. This dualism, apart from any other reasons, would suffice to make of him necessarily a philosopher in the broader sense of the word. For it is just such contradictions in our thought and knowledge that compel us to think things through—and this thinking things through is the very essence of philosophy. Curiosity alone suffices as a motive for the discovery of facts, as the driving force for science in this sense; but philosophy begins at that point where curiosity gives place to the need for understanding. In other words, the philosopher seeks to understand life and the world in all its aspects. One of his chief problems, therefore, is to coördinate the world of morality, with its postulates, and the world of physical science, as determined by its postulates or assumptions, in a more comprehensive whole. This is in part the task of the following chapters.

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[1] Kant, *The Critique of the Practical Reason*, Section VIII. The reference may be found in Rand's *Modern Classical Philosophers*, pp. 484-85.

THE NATURE OF SUCH PHILOSOPHICAL REFLECTION

There are two ideas prevalent in recent thought which stand in the way of a proper understanding and appreciation of the line of thought upon which we are about to enter. Against these the student should be constantly on his guard if he is not to fall into fatal fallacies. These ideas, expressed in the slang of the present, are "wishful thinking" and "rationalization."

It is, for example, quite easy and almost natural to think of these moral postulates as cases of wishful thinking. There can be no question that men, for instance, wish to be free and in the majority of cases desire immortality or progress. They likewise would, in most cases, like to believe in the existence of God if it were possible. Is it not, therefore, quite likely that these "postulates" are but our wishes writ large, and any arguments, developed in justification of these assumptions or postulates, rationalizations of our wishes?

Now the first thing to consider is that all vital and significant thought *is* wishful thinking. It is quite certain that we do not find truth of any kind unless we want it. It is also quite certain that the fact of our thinking being wishful does not exclude the possibility of its being true. If this were the case, the attainment of any truth would be impossible. Why then, since wishful thinking is present in all science, do people think that it is so much more fatal in the sphere of morals and human values? The reason is not far to seek. We do want these things to be true because, as has already been pointed out, significant action depends upon their being true. This means, however, merely that we must be a little more on our guard in the sphere of our practical reason. Desire is harmful to reason only when we are unconscious of it. When we are conscious of it, we can allow for it. More than this, we can take it into account as one of the things that must be explained and interpreted in any complete philosophy. The fact that men do demand or postulate certain things, is itself a significant fact and one which no philosophy can afford to ignore.

The same line of reasoning applies to the charge of rationalization. Again, all knowledge or science is in a sense rationalization. The famous saying of Hegel, that "the real is the rational and the rational is the real," has often been severely criticized; but it remains true that this is the one assumption or postulate common to both science and morals. It is true that morality demands a rational universe and in a sense the moral philosopher wants to rationalize it. In a universe at its heart irrational, no significant moral action would be possible. But it is equally true that science demands a rational universe and wants to make it rational or intelligible. In a universe irrational at its core no scientific activity and knowledge would be really possible.

Wherein then lies the difference between the two? We shall find it, I think, in the fact that a rational universe appears, at first sight, to be a different thing for morality and for science. For the latter it seems, for instance, that the universe to be rational must be determined, and so the scientist seeks to find law and determinism in it. For morality, on the other hand, a rational universe must be one in which freedom is possible, so the moral philosopher seeks to find freedom in it. There is no real reason why one procedure should be "rationalization" in the bad sense any more than the other. The philosopher at least refuses to start with either prejudice. Perhaps when he thinks things through, both positions will be found to have their element of truth. This at least is the possibility with which the philosopher starts. It is possible that it is also the conclusion, to which he will finally come.

THE TASK OF MORAL PHILOSOPHY

The task of the moral philosopher is then clear:—to coordinate the world of morality with its postulates and the world of physical science, as determined by its postulates and assumptions, in a more comprehensive whole. The problem may be stated in another way—in such fashion as to bring it into relation with the main ideas of the *Introductory* chapter. Ethics was defined as the science of values. In so defining it, it was necessary to contrast the world of values with the world of things. The task of the philosopher is to determine the relations of these two worlds.

This problem is recognized by all schools of philosophy as the fundamental task of the modern world. In the words of John Dewey, "Thus is created the standing problem of modern philosophy:—the relation of science to the things we prize and love—and which have authority in the direction of conduct." [1] What then have science and philosophy to say of these things which we prize and love, of our values? What have they to say of the *authority* of these things in the direction of conduct? Of the *reality* of these values, and of the truth of the beliefs that have been uniformly associated with them in the past? Are our beliefs in the authority of conscience, in the freedom of the will, in moral progress, and in a moral world-order still justified, or have the "acids of modernity," the critical work of scientific thought, eaten away the foundations of our values? This constitutes a statement, in general terms, of certain problems to be considered in detail in the following chapters. The discussions that follow should be looked upon, not so much as final solutions, as an attempt to present the present situation in thought concerning these matters.

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[1] John Dewey, *The Quest for Certainty*, p. 103.

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CHAPTER XVI

THE PROBLEM OF MORAL KNOWLEDGE
SCEPTICISM IN MORALS

THE PROBLEM OF MORAL KNOWLEDGE

Philosophical problems have in a degree dogged our steps throughout the preceding treatment of the field of morals. We have talked as though we could *know* what is true or valid in morals. We have talked as though the will *were free* to choose among values and between modes of conduct, and were able to mold life and character in the direction of an ideal. We have talked as though there *were* development and progress in the moral life of man. All these things may be doubted and, with their doubt, we are led into problems that are philosophical in nature. Of these problems, however, the one that appears earliest and is most insistent is the question of moral knowledge.

How then do we *know* that this act is right and the other wrong? How do we know that the values we give to things are the true values? This is almost the first question that any student of ethics asks. Is it not true that there is nothing good or bad but thinking makes it so? Is it not true, after all, that moral judgments are matters of individual opinion or feeling? In one sense this scepticism is wholly unwarranted. So far as social agreement is concerned, there is a large degree of objectivity and certainty in morals. Agreement on moral principles is much more fundamental than any disagreements. But what ultimate validity have these social agreements or "conventions"? In one sense we do know the difference between right and wrong—or what is called right and wrong—but how do we know that we, and the whole race, are not fooling ourselves? How do we know that this "knowledge" is really and ultimately valid? It is with this more profound moral scepticism that we are here concerned.

The problem of knowledge arises inevitably in connection with any science. Even in the physical sciences one can not go far without raising questions of epistemology. After all, we know physical objects only through our senses, and these senses may deceive us. How do we know that the qualities of things, as they appear to us, correspond to the things as they are in themselves? But such questions are, in a way, even more important in ethics. Just as belief is of more significance here than in the physical sciences, so scepticism in morals is a more serious thing practically than scepticism in science. There are many people who hold that the world is not round, but their scepticism regarding this belief of science does not much concern us. In moral and political matters the situation is quite different.

There is a second reason why the problem of knowledge in morals is peculiarly important. It is widely held that the validity of morals is somehow bound up with a particular *theory* of moral knowledge. If we can say that moral principles or norms are innate or intuitive, it is felt that they are in some way more valid than if we arrive at them by the more ordinary processes of experience. On the other hand, to explain the origin of anything is for many people the same thing as explaining it away. A distinguished agnostic once observed that in these days Christianity was not refuted, it was explained. And for many people to explain conscience is somehow to explain it away. In any case, many moralists have believed that there is a special kind of moral knowledge, and have often assumed a special organ for such knowledge, called *Conscience*.

DEFINITION OF CONSCIENCE

Conscience may be defined as the sense or consciousness of moral worth or value, or their opposites, as manifested in conduct or character, together with the consciousness of personal obligation to act in accordance with the dictates of morality, and the consciousness of merit or guilt in so acting. More precisely, conscience is the recognition by the individual of the right or wrong of conduct and the acknowledgment of the ultimate moral laws or principles upon which these moral judgments concerning conduct and character rest, together with the attendant consciousness of personal obligation and of merit or guilt.

The term conscience (from the Latin *con-scientia*) means literally "knowledge with"; but its specific ethical significance was only gradually acquired. It is, for instance, not used as a technical term of ethics by the classical philosophers. The consciousness of moral value and of moral law is designated by both Aristotle and the Stoics simply as reason, or the ruling part of the soul. The elaboration of the doctrine of conscience as a special form of knowledge is due to the scholastic writers who made dominant in their writings the conception of moral laws as laws of God, revealed by him in the soul of man—laws written not only on tables of stone, but on the "fleshly tables of the heart."

THE INTUITIONIST THEORY OF CONSCIENCE

The theory of conscience, or of moral knowledge, thus formulated is called intuitional, and the moralists who have held it are described as the intuitional school. It consists essentially in the view that the knowledge of right and wrong is immediate or intuitive and not the result of processes of association and reflection, as held by the empirical view of conscience. With this intuitional view is ordinarily, although not necessarily, associated the view that conscience is somehow innate or inborn and not derived historically either in the individual or the race.

Historically, intuitionalism has in the main been associated with Formalism in ethics. According to the latter, acts are intrinsically right or wrong without reference to their consequences. It is only natural that if this is the case, this inherent rightness or wrongness should be supposed to be knowable, not by teleological reasoning, but by some immediate insight or intuition of the "moral sense."

Common sense, in one of its moods at least, is strongly imbued with the feeling that there is such immediate intuition. George Sand tells the story of a company of wandering actors, shipwrecked on a barren rock in the Adriatic Sea. They are without food and death by starvation is imminent. The captain of the vessel dies and one of the actors throws himself upon the corpse with the intention of devouring it. But the leader of the company grapples with him, and after a desperate struggle succeeds in throwing the body into the sea. As George Sand tells the story, it is clear how she expected this act to be regarded by the reader—as a sort of "instinctive," intuitive, revulsion against the horrid deed, as some profound reaction of the soul, deeper than reason. In like manner, it is felt that there is in man an innate repugnance to various other acts, such as incest, and that, when such repugnance is not felt, it is due to the clouding over of the moral sense by passion or by sophistical reasoning. The allowing of the Bollenger baby to die was felt by upholders of this view to be a violation of one of the deepest intuitions of conscience, a crime against mankind rather than the service to humanity it pretended to be.

Is man then endowed with a native and inexplicable power of discerning right or wrong, or are his moral judgments explicable by reference to development, environment and education? Is conscience in any sense a special organ or faculty of special knowledge; or is it rather merely consciousness in so far as it is concerned with a special class of objects and judgments? This question has been hotly debated in practical morals, no less than in the realm of ethical theory and philosophy. It is precisely because, to many minds, the authority of conscience is bound up with its intuitive and inexplicable character, the validity of moral distinctions with their immediacy and innateness, that the entire problem has bulked so large in ethical discussion.

FORMS OF INTUITIONISM. THE MORAL SENSE THEORY

As we should expect, the view has been held in several different forms. The views men have held of the nature of conscience have been greatly influenced by analogies taken from our knowledge of the external world of things. In general there are two sources of knowledge, the senses and the reason. When men came to the problems of moral knowledge, it was only natural that they should think that our knowledge of right or wrong is given to us by some special moral sense, or by some special intuitions of reason, such as the "self-evident axioms" of mathematics and logic. In any case, it is precisely along these lines that the theories have been formed, and we may, for our purpose, consider Intuitionism as divided into these two forms.

The belief in a special moral sense is quite natural to popular thought and is well illustrated by the story taken from George Sand. The well-nigh universal presence in men, at least on a certain level of development, of many such immediate reactions and unquestioned judgments, leads easily to the idea of a special sense or faculty for the discernment of moral truth. This popular belief was elevated into a theory by certain writers of the eighteenth century at a time when the origin of all knowledge through the senses was emphasized, and the field of sense perception was being exhaustively explored. Sometimes the moral sense has been thought of as feeling, sometimes more on the analogy of the physical senses, in which case the good or bad of an act has been conceived of as a quality, like a color or an odor, for which there is a special sense, similar to the senses with which we apprehend the other qualities. In either case, the essential point of the theory is that we are supposed to sense or intuit immediately the right or wrong of particular acts, whereas in the theory of a special moral reason it is rather general principles or moral axioms that are thus apprehended.

The theory of a special moral sense, although still not without its supporters, is in general discredited. The plausibility of this view arises chiefly from the fact that in developed moral characters moral habits become a sort of second nature, and our reactions have an immediacy that is scarcely distinguishable from that of instinct or sense perception. There can be little doubt that, for all practical purposes, we have such a "moral sense." We are entirely justified, practically, in saying of a man who does not, as we say, feel that certain things are wrong that he lacks moral sense. In extreme cases, as the law rightly holds, he is a "moral imbecile." But the theoretical question is another story. We have become too sophisticated, both by history and psychology, to be intuitionists in this naïve sense. The entire drift of modern science is against it.

The objections to this theory have already been stated in connection with our criticisms of one statement of formalism, with which this form of intuitionism is necessarily connected.[1] In this connection we need only emphasize two points, especially relevant to the present discussion.

Anthropology shows us clearly that none of these fundamental repugnances is native. The history of morals makes it impossible to doubt that there are no single acts—whether of murder, incest, unchastity, falsehood, or what not—that have not, at one time or another, been not only uncondemned, but actually approved. The primitive woman who refused to allow her newly born child to be put to death in accordance with the unwritten law of her tribe, would have been shunned as unvirtuous by her kinsfolk, as would the Spartan mother who connived to save her weakling offspring from the rigors of death by exposure. Virtue consisted in doing that which was good for society and it was not for the good of island-dwelling or nomadic tribes to multiply rapidly, just as it was not good for war-like Sparta to rear children of an inferior physical type.

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[1] Chapter III, pp. 56 f.

In the second place, modern psychology recognizes no such immediate and underived moral judgments as this theory presupposes. It shows us, on the one hand, that there is in these judgments nothing analogous to the simple senses of taste or color and, on the other hand, that these reactions which we call "instinctive" are really not instinctive at all, but have the character of acquired habits. Both the apparent immediacy and the apparent universality of these judgments are now explained in terms of empirical and evolutionary conceptions.

THE THEORY OF MORAL REASON

The second form of intuitionism, the theory of a special moral reason, is not so naïve as the doctrine of moral sense. According to this view, conscience does not give us infallible knowledge of the right or wrong of particular acts, but rather general principles which apply to classes of acts. This form of intuitionism, sometimes called "dogmatic intuitionism," was that maintained by the scholastic moralists, and continued by many modern ethical writers, such as Butler and Price. In the more philosophical form of Kant, a synthesis of practical rules is sought by the reduction of them to a common principle, but the essentials of rationalistic intuitionism are still maintained.

Those who hold this view, it is important to note, can perfectly well accept the results of anthropology and psychology and still maintain their position. With them it is not a question whether morals have or have not changed or developed, but rather whether we have any principles of reason for testing the moral norms we now have. It is not a question whether moral sentiments are or are not innate in any biological sense, but rather whether there are any moral judgments self-evident to reason. The moral intuitionist is no more under the compulsion of showing that the savage or the new born babe has *his* moral judgments than the mathematician or logician is compelled to show that his "necessary truths" are part of the mental equipment of the infant or the primitive.

This form of intuitionism is, as we have seen, inspired by conceptions and ideals of knowledge in mathematics and logic rather than by those of sense perception. In mathematics, for instance, mathematical reasoning is supposed to go back for its validity to certain axioms which are immediately apprehended and which are universal and necessary. The process of reasoning is mediate and hypothetical—that is the truth of one proposition is conditioned by another. But such chains of reasoning must ultimately go back to propositions which are categorical and unconditional. So, it is argued, must it be in morals. We may reason hypothetically and teleologically from means to ends, but somewhere in our argument we must come upon *categorical* propositions which are self-evident.

The difficulties in this conception are of another sort than those brought against the theory of a special moral sense. Morality is, to be sure, a matter of reason rather than of sense or feeling, but it is just as difficult to establish immediate intuitions of moral reason as it is to establish a special moral sense. One of the best criticisms of this form of intuitionism is made by Sidgwick in his *Methods of Ethics*. He points out that the "middle axioms" of morality have neither the clearness nor distinctness, nor the universality of application, characteristic of logical or mathematical "axioms." Commands such as Thou shalt not steal, etc., do not have these characteristics. If, however, we fall back upon such a general maxim as that of Kant, we have something empty and formal and not applicable to the concrete matter of morality.[1]

These criticisms are undoubtedly cogent. But the chief difficulty for the modern man in accepting this theory is to be found, I think, in our more recent views of the nature of reason in general. This theory of self-evident intuitions was, we have seen, formed on the analogy of self-evident axioms of mathematics and logic. But even in these spheres of knowledge we have come to recognize that the things we called axioms are really not self-evident truths, but rather postulates. The axiom of Euclidian geometry, that parallel lines never meet, is not self-evident, but rather a postulate of one kind of geometry. Other postulates are possible. Similarly the so-called axiom of universal causation is no longer conceived as an axiom but rather as a postulate. To one who has accepted this change in our ways of thinking, it seems even more certain that axioms of moral reason are postulates also.

THE TRUTH AND ERROR IN INTUITIONISM

Despite these criticisms of intuitionism, in its two most common forms, this standpoint in morals constantly reappears in ever more refined and critical forms. The reason for this is simply the need of thinking things out which is the peculiar character of philosophical thought. We may say without hesitation that any philosophical theory of ethics must contain an intuitive element somewhere.

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[1] *Methods of Ethics,* Book III, Chapters I and II.

The historic forms of intuitionism have been rendered untenable by a confusion of ideas that it has been hard to drive from the human mind, but which is gradually becoming cleared up—at least for most people that think at all on these questions. This confusion, which even Kant himself did not wholly escape, arises from identifying self-evidence with innateness. People thought that to be self-evident, a truth must in some sense be innate. The appeal to innateness in the doctrine of "natural rights," and the attempts to found the validity of private property and the monogamous family on inborn instincts and sentiments, are illustrations. We have come to see, however, that innateness is a purely biological concept and has nothing to do with self-evident necessity which is a logical concept.

But the historic forms of intuitionism made an error at another point. They were mistaken, not so much in their insistence upon an immediate or intuitional element in morals, as in their conception of the *locus* of that element. It is clear now that it is highly improbable that we have an underived and immediate "sense" of the rightness and wrongness of particular acts. It seems no less improbable that there are universal and necessary intuitions of the rightness and wrongness of types or classes of behavior. But it is not at all certain that there are no ideas of value, or principles of value, that are self-evident. Many moral philosophers believe that such exist and the present writer is in agreement with this view. We shall attempt presently to make clear the nature of this intuitive or *a priori* element in morality. But we shall be able to present it in its true light only after we have determined the element of truth in the empirical theory of conscience. To this we shall now turn.

EMPIRICAL VIEWS OF CONSCIENCE

Theories of conscience as a special faculty, innate in man, have gradually given place to empirical and historical conceptions. Conscience is no longer thought of as a special organ or faculty of knowledge, but rather as consciousness in so far as it is concerned with a special class of objects and judgments. The objects are conduct and character, the judgments value judgments. According to this view, our knowledge of what is right and wrong has come only through the experience of the individual and the race. Conscience itself is, therefore, the product of social evolution and of individual development.

Prior to the application of evolutionary conceptions to morals, the empirical theory attempted to explain the origin of conscience, or our moral sentiments, merely as the result of associations in the life of the individual. The individual was born a *tabula rasa,* ready to take any impressions and ready to do anything. The most imperative feeling, for or against any type of action, was explainable, on this view, wholly as a result of the commands and impressions received in the individual life, the associated connections formed between our acts and resulting pleasure or pain.

There were always those who felt that this account of conscience left much to be desired. It seemed hardly possible that our obligations to, or repugnances against, certain acts, so deep-lying, could be accounted for in this superficial way—to say nothing of the sense of obligation itself, so unique an experience as Kant had shown. It seemed possible to meet these objections by adding to the experience of the individual that of the race. Herbert Spencer and others suggested the hypothesis that conscience, or our elemental moral sentiments, while in some way innate in the individual, are acquired in the experience of the race. Evolutionary views of conscience have then, in the main, taken the place of the earlier empiricism. Our problem is to determine the bearing of these views on the question of moral knowledge and its validity.

The origin of primitive morality can, we saw, best be explained, perhaps, in terms of natural selection and adjustment to environment. The customs of primitive peoples—and with such peoples morality is almost wholly customary—are folk-ways which bear all the marks of being ways of acting that further the survival of the species and adjust it to its environment. Natural selection can be plausibly credited with the earliest forms of conduct, as well as with the earliest stages of even our highest and most developed ethical sentiments.[1]

To this theory of the origin of primitive behavior corresponds a similar theory of primitive conscience. Primitive man has his sense of obligation also, his feelings as to what is and is not done, but this sense or feeling is merely the inner side of custom. The tribesman's conscience is constituted largely by the sentiments connected with ritual customs and *tabus,* the reflection within the individual, so to speak, of the tribal *mores.* It is quite proper then to say that on this level there is no individual moral self. The social conscience precedes and the conscience of the individual is, in Clifford's terms, the *Tribal Self.*

Now there is no reason to doubt the general truth of this theory of primitive conscience. We have repeatedly seen that both rights and duties are functional and, as such, relative to the development of society. It is also clear that conscience, which reflects in the individual these rights and duties, will be thus relative also. But it is a serious error to suppose that we can pass directly from the primitive conscience to the developed conscience of mankind. It is the same fallacy of false analogy against which Huxley warned us.[1] As it is erroneous to argue from plants and animals to men, when basal differences make such an argument impossible, so it is equally fallacious to argue from the primitive conscience of man to the developed conscience of today. They are two quite different things.

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[1] Chapter V, pp. 100 ff.

When, therefore, we turn from the hypothetical conscience of the primitive man to the actual conscience of the man of today, there are indeed similarities, but there are also important differences. The similarities are patent. The individual of today, no more than the primitive man, is born into the world with innate moral ideas or sentiments. He, too, has but a limited collection of congenital instincts or drives, instincts both egoistic and altruistic, individual and social in their reference; and his moral sense is the product of the modification of these instinctive tendencies through social heredity and education. In this respect, his conscience, like that of the primitive, is a social product and a reflection of the social consciousness.

These similarities are important and a recognition of them helps us to understand many anomalies of conscience. We find it possible to understand what would be otherwise unintelligible to us, namely how in the same person there may exist side by side the most exalted sentiments and the most primitive reactions, how more particularly it is possible in moments of great stress, such as the passions of the late war, for individuals and whole peoples to revert, not only to primitive passions, but to primitive ideas of right and wrong.

The similarities are important, but the differences are much more significant than the resemblances. In the first place, the individual of today is born into a moral society which has long since passed beyond the level of merely customary morality into a morality of reflection and ideas. The element of custom still remains, with its merely external pressure and its often irrational conventions. But not only has custom passed in great part into codified law, but there has also been developed a large body of moral ideas and ideals created by the reflective work of centuries of human history. These moral ideals are embodied in concrete institutions and personalities and mold the conscience of the individual through the powerful forces of imitation and suggestion.

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[1] Chapter V, p. 111.

The differences in the moral order into which the individual of the present is born are in themselves sufficient to make his conscience a very different thing from that of the primitive man. But the chief difference, after all, is in the man of today himself. It is doubtless difficult to say with just what concretely the individual is born into the world. The entire question of heredity is so perplexing that no definite judgments can be passed. Only a short time ago man was credited, as by William James, with a great abundance of "instincts," some of which we would call moral. Just now the tendency seems to be to deprive him of them all. But one thing we may say with certainty. The individual has at least a *capacity* for moral appreciation and reflection which marks him off definitely from his remote primitive ancestor.

THE TRUTH AND ERROR OF EMPIRICISM

Empirical and evolutionary theories of conscience have gradually displaced intuitionist theories in both of their older forms. We may say without hesitation that conscience, as defined at the beginning of this study, is a product of social evolution and of individual development. Our judgments of right and wrong, both on particular acts and classes of acts, reflect the experience of the race.

But the truth of this proposition may imply, and has implied in many minds, consequences gravely erroneous. We may, in the first place, easily fall into that egregious fallacy, against which we have warned from the beginning, of supposing that because what we call the conscience of civilized mankind is shown to be derived, by a perhaps slow and imperceptible development, from original barbaric *tabus,* that this derived conscience has the same meaning and value as that from which it is derived—a fallacy which underlies much of the moral scepticism connected with the empirical theory, and which we shall consider presently. Finally, we may easily suppose that because we have shown that conscience is empirically and historically derived, that fact excludes any intuitional or *a priori* element in morality. This does not necessarily follow.

THE INTUITIVE ELEMENT IN MORALITY

As a matter of fact, it may fairly be said that the consensus of opinion among moral philosophers today is in favor of an intuitive or *a priori* element in morality. In truth, one may speak of a general tendency to restore the *a priori* element in all knowledge again. After several decades of empiricism and pragmatism, logicians are again pointing out certain general aspects of thought that are "true, no matter what," i. e., forms of thought that are true no matter what the content of thought may be. The more philosophical student of ethics will want to pursue this important problem further. Here we shall confine ourselves to stating briefly two points at which this intuitive or *a priori* aspect of morals is found.

In the first place, it is generally conceded that the notions of good and bad themselves are intuitive. By this is meant that these notions cannot really be defined in terms of anything else. They are what the philosophers call "logically primitive" concepts. If, for instance, I argue that the good, or value, is that which is desired, I require as my premise the idea that satisfaction of desire is a good. If I say, as many people do, that one thing is better than another because it is more highly developed, I must first assume that development is necessarily improvement, that is, that there is always greater value in a thing in proportion to the degree of its development; and to do this I must already know what good or value is. In other words, however I define value for the purposes of ethics, whether as a pleasurable state of consciousness or as development of the self, I must already assume the meaning of good as intuitively known.

The foregoing is of itself of great importance. It means that the sense of duty is also unique and unanalyzable. The consciousness of obligation springs directly and immediately from the recognition or acknowledgment of value. The objects with which the feeling of obligation is connected are historically conditioned, but the feeling is itself unique and underivable. This is what ordinary people mean when they say that, although men may differ as to what things are right or wrong, no one ever thinks that it is right to do wrong or wrong to do right. This is also the imperishable element in Kant's important distinction between the "form" and the "content" of morality.

This point is so important that we may with advantage develop it somewhat further. In another connection we stated this situation in the following way. We said that the proposition that the good ought to be chosen rather than the bad, the higher rather than the lower good, is axiomatic. By this we meant that no reason could be given for it other than that the opposite cannot be given an intelligible meaning or, as the philosophers used to say, it cannot be conceived. The situation is similar here to that in other fields of human reason. "It is possible, for instance, to contemplate a world in which men never die, but not one in which two and two do not make four. We feel that such a world, if there were one, would upset the whole fabric of knowledge and reduce us to utter doubt." Similarly it is possible to conceive a world in which lying should be put above truth and death higher than life. But it is not possible that one value should be higher than another without it following that the higher *ought* to be rather than the lower. This principle of the choice of the greater value over the lower, and the obligation that flows from it, is, as Brentano said, the one immediately self-evident moral law, and therefore the natural and ultimate sanction of morality.

This immediately self-evident law is, as we have said, *true no matter what*. One may admit the relative and contingent character of all our human values and yet there are principles of value that remain untouched. Such is the principle of higher and lower, or of scale in values. It is possible for us to conceive an order of values quite different from ours, one in which, to use Nietzsche's terms, there is a complete "transvaluation of all our values," but the principle of order or scale still remains. The Chinese order in rescuing the shipwrecked is, it is said, the exact opposite of ours. Whereas custom demands of us the rescue, first of the children, then of the women and finally of the men, another conception of value or importance calls for the reverse order in the case of the Chinese; but the conception of a necessary order of values is present in both cases. We may even find it possible to think of a world in which there are no values, or in which values cease to be. But certainly not of a world in which, if there are any values at all, they are not thus related.

In our own human experience there seems to be an order of value which we violate at our peril. Such an order has been worked out by mankind and we have attempted to formulate it in Chapter VIII. This order is the "right" or normal order for us, and if we turn it about we may quite properly speak of "a perversion of values." But there is nothing abstractly inconceivable about such a perverted scale. The actual order in which we put our human values is the result of human experience, individual and racial, and we go against that experience at our own peril. But the order is not self-evident. Only the idea of a necessary order itself is self-evident and therefore intuitive.

THE ERROR OF EMPIRICISM. NIETZSCHE'S THEORY OF CONSCIENCE

The errors of the intuitionists arose chiefly from tying up the philosophical idea of intuition with the biological idea of innateness. The errors of empiricists lay in an entirely different direction, namely in tying up the value or validity of conscience with theories of its origin. These errors have been made on a grand scale by many of the "evolutionary" philosophers. The most flagrant case is that of Nietzsche in his evolutionary theory of conscience developed in the *Genealogy of Morals*. In his study of "guilt" and "bad conscience" he attempts to account for them merely as survivals of formerly serviceable habits and *tabus*. His "own hypothesis concerning the origin of the bad conscience" he presents in the following way.

He regards the bad conscience as the serious illness of man. "Just like the plight of the water-animals when they were compelled to become either land-animals or to perish, so was the plight of these half animals (men); perfectly adapted, as they were, to the savage life of war, prowling and adventure—suddenly all their instincts were rendered worthless and 'switched off.' These water-animals had to walk on their feet—'carry themselves'—whereas heretofore they had been carried by the water; a terrible heaviness oppressed them. . . ." Man's plight, according to Nietzsche, was of the same nature. When he was "imprisoned within the pale of society" his old instincts remained suppressed. "All instincts which do not find a vent without *turn inwards* —that is what I mean by growing internalization of man, consequently we have the first growth in man, of what subsequently was called his soul." A man with a soul or a conscience is, for Nietzsche, "a sick animal."

Granting that Nietzsche was right in his theory of the origin of conscience—which is in itself quite doubtful—there is no question as to the point at which the fallacy in his argument is to be found. He ignores entirely the differences between the primitive man and the man of to-day, which makes the conscience of the latter an entirely different thing from that of the former. Man is not a sick animal who does not understand the arrests and inhibitions that have been exercised upon his instincts. He understands alike the meaning of those instincts and the reasons for their control, and precisely *that understanding* is his conscience.

The judicious reader will see in this theory of Nietzsche the fountain-head of all the vulgar prattle of inhibitions and suppressed desires that has filled the air. It is of interest to observe that a large part of this talk has been a matter of fashion and that the fashion is changing. This change, everywhere observable, is due in part to the mere fact that people have simply got tired of Freudianism. But a still deeper reason for the change is to be found. Even the man in the street after a time becomes aware of fallacies in popular thought, even if he cannot give them a name. He is coming to realize that, since man has been for more than fifteen thousand years part of a highly organized social life, the morality and social conscience, developed by that life, has become *part of the man himself* and has created in him an "instinct" as strong as the instincts of sex or self-preservation themselves. It is not so much the man who suppresses his instincts that becomes the sick animal, as the man who tries to suppress his human virtues and to return to the animal level. Then it is that the true *malaise* arises.[1]

THE AUTHORITY OF CONSCIENCE

That there is an intuitive or *a priori* element somewhere in morality, we have now seen and we have also indicated where it is to be found. But in making the *form* of morality *a priori* and the content empirical, we have by no means closed the doors to scepticism, for it is precisely the content of morality that is in question. It is the validity of the concrete norms of rights, duties and virtues that the sceptic denies. These norms are functional and relative to the development of society and its institutions, and relativity spells for most men scepticism. Either these norms are unchanging and absolute, and thus have unquestioned authority, or they are changing and relative and have no authority at all.

One ethical writer has put the problem in the form of the following question: "Do we not destroy conscience if we conceive it as a historical and relative reality?" His answer is, no—that "if philosophers do not make ethics, neither do they unmake them." Now there is undoubtedly a certain truth in this answer. Even if morals are merely a part of nature, in the sense of naturalistic evolution, they represent a certain adaptation to environment which we can by thinking no more unmake than we can create. But while we can not destroy conscience by thinking of it in this way, we can certainly "denature" it—take all the meaning out of it. No one familiar with the facts can doubt that this denaturing of morality has been a wide-spread consequence of evolutionary ideas, and that it has expressed itself in an all-pervasive moral scepticism.

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[1] A witty and suggestive development of this point is to be found in an article by André Maurois. "Fragments from a History of the World, etc." *Vanity Fair,* February, 1930.

FORMS OF MORAL SCEPTICISM

Relativism and scepticism in morals have always been a constant feature of reflective morals. If I find that the feeling of the wrongness of going to the theater on Sunday—which has seemed to me the voice of conscience—disappears with what I call enlightenment, what more natural than that I should come to doubt all such voices? If a custom or *tabu,* at one time absolute in its demands, turns out to be irrational, what more natural than that I should ascribe all such conventions to irrational *tabus?* If to kill his adulterous wife satisfied the demands of the conscience of a primitive savage, how am I to know that my feeling, that I ought not to kill my wife, is any more authoritative than his?

Scepticism in Greek ethics arose with the break-up of customary morality at the time of the Persian wars and was the direct result of the contrast in customs forced upon the Greeks by their wider knowledge. The Sophists who represented this sceptical movement, drew the inference that nothing is good or bad but thinking makes it so. Their sophistry—for such thinkers as Socrates and Plato, who sought to reëstablish the authority of morals on a firmer and more rational basis than that of custom—lay precisely in the fact that, arguing from this historical relativity, they sought to deny all objective authority, to call that good which was hitherto called bad, to make "the worse appear the better reason."

The scepticism of the Renaissance, of which Montaigne is a supreme example, followed upon the breaking up of the authority of the Christian church. It is doubtless true that here again contrasts between the moral customs of the West and the East, resulting from the experiences of the Crusades and of the growing commerce between occident and orient, had their effect; but equally potent was the revival of pagan culture and the development of natural or scientific knowledge. Christian morals had been bound up with Christian dogma, and with the loosening of the latter came a weakening of the former.

Modern scepticism is the same in essence as that of earlier periods, but it is characterized by a special turn given to it by supposed inferences drawn from Darwinism and the evolutionary view of things in general. It is true that the practical scepticism that has flooded the Western world in the last quarter century was greatly intensified, and in many cases caused, by the disillusionment following upon the World War, but it was in full flood before the war and had already showed itself to be a necessary character of the Darwinian epoch. In any case, whatever its various causes, it finds its expression always in terms of evolutionary thought. This modern scepticism is epitomized in the thinking of Anatole France and Nietzsche.

THE THESIS OF MORAL SCEPTICISM

Moral scepticism, whether of the Greek sophists or of a Nietzsche and an Anatole France of the present day, is always the same in substance, however it may differ in detail. Its thesis is always in essence this: that the historical relativity of moral codes shows them to have no more validity than that of useful *conventions* for social control, or as rough and artificial compromises between individual and social interests; and secondly, that the feeling of obligation of the individual towards these codes is either an illusion, or at the most without any authoritative or binding character.

Now there is rather general agreement among ethical philosophers that this sceptical inference is unwarranted.

The philosopher does not deny the facts upon which the inference is based, the facts of the historical relativity of moral codes. Neither does he deny the truth, within its limits, of the evolutionary and social account of the individual's conscience. But he does deny that doubt of their validity necessarily follows, if the true nature of moral authority or validity is understood.

As is so often the case, the false conclusion seems to arise from a false setting of the problem. The moral sceptic presents us with an alternative in which the two positions are not exclusive. The assumption underlying his argument seems to be that moral codes must be universal and necessary, in the sense attributed to mathematical and logical principles, or else lack all objective validity whatsoever. The necessity of this alternative most ethical thinkers would deny. For one thing, it rests upon an entire misconception of the nature and function of morality. In the second place, it involves an entirely false interpretation of the historical relativity of morals. Let us consider these two points separately.

In the first place, then, morality is dynamic not static. Moral codes are made for life, not life for moral codes, and life is essentially dynamic in character. A moral code is always the formulation of an ideal of human welfare, and the code changes—must indeed change—as our conception of this ideal becomes more clear. New occasions do, as we saw in detail, teach new duties. In a very real sense, time also makes ancient good uncouth. There is, moreover, nothing contradictory in saying that, although it is uncouth now, it was none the less good then.

THE CONCEPTION OF A PROGRESSIVE STANDARD

The notion we have been developing may be described as the conception of a *Progressive Standard.* It is a notion which, in various forms, may be said to be a characteristic idea of modern ethics. It is important, first of all, to define what is meant by a progressive standard and to show how a standard may be a standard or norm, and yet changing and progressive.

It is clear, of course, that there can be no real norm or standard where there is *no* element of permanence or continuity. Life requires change, but if change goes too far the significance of life is lost. As the poet says,

> I changed myself to renew myself—
> And lost myself.

Change of self without continuity is really self-alienation, as abnormal psychology shows us. In like fashion, mere change is not progress. Progress implies creation but it also implies conservation or continuity. Real progress in morality implies an abiding norm throughout change. On the other hand, no norm could be authoritative if it did not involve change in its applications. If the conditions of life change, then norms of living must change in the detail of application. If there is progress in man's insight into the meaning of his life, then there must be progress in his norms of living also. So much for the notion of a progressive standard. Let us now turn to an example.

I shall take as an illustration one presented with admirable clearness by Professor W. R. Sorley.[1] He starts with the fact of historical relativity, pointing out the great difference in practice and opinion of the head-hunters of Borneo on the one hand, and of members of the Society of Friends on the other. The latter condemn the actions which are the daily and admired performances of the former. The head-hunter of Borneo approves with enthusiasm what the follower of George Fox condemns and abhors. The question is asked, whether it is possible to institute any fruitful comparison between ideas and habits so far apart? In the terms of our question, is it possible to find any continuity in practices and judgments seemingly so absolutely different?

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[1] W. R. Sorley, *Moral Values and The Idea of God*, pp. 94 ff.

At first sight apparently not; but on looking more deeply we find that, in a sense, the wild man of Borneo and the Quaker are, so to speak, moral brothers under their skins. If we kept our eyes on the particular judgment in each case we should, of course, have absolute contradiction. If, however, we look to the universal back of the particular, the story is different. The head-hunter judges the slaying of his enemy as good. He does not reflect upon the ground of his approval, but if he did he might find that what he approved in calling the act good, was his contribution to the union and power of a community which lived among enemies and must be vigilant and strong in order to survive. It is thus in virtue of the presence of a universal in the particular that the particular is approved. When now later a more civilized observer reflects upon the same incident, our member of the Society of Friends for instance, he looks from a different point of view and sees further. He is looking now from the standpoint of larger communities, from that of nations and even of humanity as a whole. Therefore the same situation which the tribesman calls good, he calls evil. The two judgments on the same concrete situation contradict one another. But this contradiction does not apply to the underlying grounds of the judgment, if these have been correctly analyzed. They are largely identical and differ only in degree of comprehensiveness.

This is our first important point—the element of identity. The ground of the savages' judgment might be expressed in the proposition, "tribal welfare is good," and the good of his particular tribe might imply the hurt of another. The ground of the civilized man's judgment may be, "common welfare is good," and he will not limit common welfare to the welfare of a particular tribe. Underlying the judgment of both is the idea of a community and of a common welfare, however differently conceived, and it is on this account that the predicate "good" is applicable.

Thus do the hands of the wild man of Borneo and the Friend meet across centuries of change. But there is a second point of equal importance for our present purpose. These centuries represent development or progress. Between the wild man of Borneo, to whom no life is sacred except one of his own limited tribe, and the Friend to whom all lives are sacred, no matter what their race, stages of development may be interpolated. There is, particularly, the nationalistic ideal and norm, according to which all taking of human life is wrong except that sanctioned in war between nations. It is a higher norm than that of the primitive, and still lower than that attained by the pacifist. The continuity between these three lies in the notion, shared by all, that common welfare is good. The progress lies in the *increasing* comprehensiveness of the notion—in the broadening of the idea of the community and enlarging of the area of the common good.

Only a conception of the moral standard as thus progressive, is tenable on the basis of the teleological view of morals we have developed. If duties, rights, and virtues are functional, and get their significance from their instrumental relation to the developing moral end, then their very authority arises precisely from the degree to which they actually change to conform to our ever-enlarging insight into human ends and values. Thus, there can be no respect for specific forms of property unless these forms are themselves worthy of respect. Property in human flesh was only recently an acknowledged form of possession. If respect for the institution of private property involved eternal respect for slavery, we should have a contradiction at the very heart of the moral life. It is sometimes felt that this idea of a progressive standard involves a contradiction, that the ideas of change and authority are incompatible. We have now seen that the actual situation is precisely the reverse. Such a contradiction arises only for a formalist morality. For any type of teleological ethics, authority is possible only when empirical standards change to conform to the growing insight into the moral ideal.

TWO KINDS OF RELATIVITY

The functional and relative character of moral codes is then the condition of their objectivity and authority. The inference from historical relativity to scepticism and subjectivity in morals is entirely unwarranted. Another inference, even more fallacious, and with even more serious consequences for moral life, is also constantly made—namely that historical relativity implies relativity for the individual. It is expressed in extreme form in the famous dictum of Nietzsche: "Nothing is true, all is allowed."

The comparative study of habits and customs has revealed the fact that both moral and social conventions have varied from age to age and from place to place. Immediately the unwary and untrained jump to the conclusion, that because there appear to be no eternal or universal standards of morals and manners, there is, therefore, no value in a local, temporary, and but slowly changing one—a conclusion by no logical possibility to be drawn from the premises. The result of this particular, and for the moment very popular, *non sequitur* has been to cause in many persons a head-long jettisoning of their whole cargo of morals, manners and conventions, and the bringing about of a chaos which arouses mirth or terror according to the temperament of the social observer.

This philosophy of license, this idea that nothing is good or bad, but our own thinking makes it so, invariably appears in the first flush of realization of historical relativity and of the sense of freedom from external compulsion that comes with it. Yet it is based on such obvious fallacies that it persists only in the minds of the most unthinking. Even on the theory that moral standards are wholly changing and functional, the slowly changing one may, for all practical purposes, be absolute for the individual who lives in the period of its functioning; it may be, in other words, what has been described as a "pragmatic absolute."

The truth is that this entire sceptical inference and the license bound up with it, is based upon an entirely false conception of historical relativity, or rather upon a confusion of two kinds of relativity. Relativity to time or place in the universe is quite a different thing from relativity to the mind of an individual. It is, in other words, quite possible that things may be different at different times or places, but the same for all those who occupy a given time or place. To argue from one kind of relativity to the other is fallacious.

The point we are making may perhaps be made clearer by reference to the doctrine of relativity in modern physics. It is true that the position in space and time varies with, or is relative to, the place in the cosmos from which the object is observed. But this relativity to the observer has reference to the *position* of the observer not to the subjective characters of the individual observer himself. From the latter point of view there is no relativity. It is generally agreed that from the principle of physical relativity we are not justified in arguing to the subjectivism involved in the second sense of relativity. It is in principle no different with historical relativity. From the relativity of a code of conduct to the historical conditions we have as little right to infer relativity in the judgments of the individual.

But the fallacy involved in this false conception of relativity is more fundamental than this. It consists in ignoring the fact that progress—and a progressive standard—involve the retention or conservation of the moral insights and values already achieved. To revert to earlier and lower forms of conduct when we know the better, is a form of moral atavism. The truth is that no one can pass from this historical relativism to individual relativism, without sometime or other becoming conscious that he is "rationalizing" his behavior in the bad sense of the word. What is called the confusion in present-day standards in morality is in part due to honest doubt, but to a still larger extent to an intellectual sloth which prevents us from getting rid of our confusions, or a spiritual perverseness which makes us enjoy the half-lights of our uncertainty.

CONVENTIONAL MORALITY. MAJOR AND MINOR CONVENTIONS

The purely "conventional" character of morality is, we have seen, the major premise upon which the moral sceptic bases his scepticism. He talks of conventional obligations, and still more of the conventional virtues, as though the mere calling them conventions, robs them of their authority.

In a sense—in the proper sense of the word—morality is convention. It represents a coming together, an agreement—a mutual acknowledgment on the part of the members of a society—of certain standards of conduct and judgment as the indispensable conditions of the good life. But within this realm of convention it is customary—and if we would think clearly, necessary—to distinguish between the *major* and the *minor* conventions. Only the most unintelligent would fail to distinguish between the convention of dressing for dinner and the convention of living with one wife.

The latter "convention," and others of a similar character connected with the fundamental institutions of society, are major conventions because they are norms of basic forms of living. They are conventions because they are agreements, but they are also norms because they are acknowledged. There may be an existence of such norms—like the famous ideas of Plato—apart from the consciousness of man. Personally I believe this to be true. But the fact remains that they are first discovered in the life and intercourse of men. Like the "rights of man," they have existence only as they are acknowledged by mankind. Morals and manners are closely connected, but the difference between them, in both origin and authority, is obvious.

Even the much scorned minor conventions have an effective influence on conduct, remote or proximate. A story is told of an English gentleman who was sent out as a governor of an island where the entire population, save for his sole self, was black and savage. He dressed for his solitary dinner every night as carefully as though he were preparing to dine at the smartest residence in Park Lane. He did so not from habit but from a knowledge of human nature. "If," he said, "I should drop this convention of civilized society, I should find myself some day having dropped one or another of the more important conventions, social and moral, and lower myself to the level of the blacks whom I govern. Evening clothes are far more important here than they ever were in London." [1]

To some this may seem to be an exaggeration, but few would be disposed to deny the truth of the principle involved. We may state it in this way. Life is a whole and the character realized in our living is a totality also. Integrity, integration of character, may be manifested in many ways. Strength of character may be shown by adherence to a major standard of society, but it may also be shown by adherence to minor conventions when these are symbols of a larger whole. Character is a harmony determined in its quality by the fundamentals or the basal virtues, but it also contains many over-tones which, though trivial when taken by themselves, are irreplaceable as parts of a larger whole.

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[1] "The Mucker Pose," *Harpers,* Nov. 1928.

MORAL LAWS AND LAWS OF NATURE

The nature and authority of conscience is now reasonably clear. To the question—do we not destroy conscience if we conceive it as a historical and relative reality?—the answer was made, "if philosophers do not make ethics neither do they unmake them." In this statement we have recognized a profound truth. In one way or another, it is felt and acknowledged by us all, that you and I can not make or unmake morals for ourselves. Morals are made by something that transcends the individual moral subjects or agents.

This feeling has been uniformly expressed in the past in the thought that moral laws are somehow laws of nature —part of the nature of things, as it were. The classic expression of this we found in the doctrine of "natural rights."

The truth or falsity of this idea depends entirely on our interpretation of the concept of "laws of nature." Moral laws are certainly not laws of nature in the sense of physical laws. They are norms, not descriptions, propositions that state what ought to be, not merely what is. And yet, as we found, they also state what is in a more profound and fundamental sense. If we extend the notion of nature to include the moral order as well, we may speak of moral laws as laws of nature also. The further development of this idea belongs, however, to a later chapter.

MORAL KNOWLEDGE.

- F. D. Maurice, *The Conscience.*
- J. Martineau, *Types of Ethical Theory,* Part II, Bk. I, Chap. I.
- * H. Sidgwick, *Methods of Ethics,* Bk. I, Chap. VIII, Bk. III, Chap. I.
- * F. Paulsen, *A System of Ethics,* Bk. II, Chap. V.
- * J. H. Dunham, *Principles of Ethics,* Bk. III, Chap. I.
- S. Alexander, *Moral Order and Progress,* Bk. II, Chap. III.
- F. Brentano, *Origin of Knowledge of Right and Wrong,* trans. by C. Hague.
- J. M. Guyau, *A Sketch of Morality Independent of Obligation and Sanction,* (trans.)
- J. Laird, *A Study in Moral Theory.*
- G. E. Moore, *Principia Ethica,* Chap. VI.

MORAL SCEPTICISM.

- F. Nietzsche, *The Genealogy of Morals.*
- * W. Lippman, *A Preface To Morals.*
- * W. R. Sorley, *Moral Values and The Idea of God,* Chaps. IV, VI.

CHAPTER XVII

THE FREEDOM OF THE WILL
WHAT IT IS AND HOW IT IS POSSIBLE

THE DEMAND FOR FREEDOM

Moral philosophers almost invariably believe in freedom of the will in some sense. The reasons for this are obvious. The task of the philosopher is to think things through and he cannot do this without coming to the conclusion that for a man to be really moral he must also be in some sense free.

The moral life is a continuous process of choice—of choice of one value over another and of choice of acts as leading to the realization of the chosen value. The question immediately arises whether this choice is *real* or only *apparent,* whether the will is free or actually determined. When the philosopher thinks things out he cannot avoid the conclusion that if the moral life is to have any meaning at all freedom of the will must be real. Unless the moral life—with its rights to be acknowledged, its duties to be performed, and its ideal of character to be realized—is to be an entire illusion, the moral agent must be a free agent. The moral life "feels real," as William James said, and he who feels its reality, cannot doubt the freedom which that reality implies. This situation was expressed by Kant in his statement that freedom of the will is a necessary postulate of morality. In its simplest form: I ought, therefore I can. If the "ought" is real, the "can" is also.

DEFINITION OF FREEDOM AND FREE WILL

The conception of freedom seems to imply first, negatively, the absence of external restraint; and secondly, positively, the power inherent in the object called free of following the laws of its own nature. As applied to the will of man, it is the conception that an act or decision arises from the "self" and not from conditions in any way foreign to the self. We have freedom, then, wherever there is self-determination.

A more exact interpretation of the notion of freedom, as used in ethics, will be necessary as our discussion proceeds. Here we may simply note that freedom, or self-determination, means at least this: the power or ability of an individual to modify his conduct and character in the direction of an ideal. If he can so modify conduct and character, he is free to some extent and to some degree. If he cannot, he is determined. Freedom in this sense is presupposed by *any* theory of ethics.

MORAL FREEDOM AND POLITICAL FREEDOM

It is perhaps unnecessary to distinguish between freedom of the will and that liberty or political freedom which we found to be one of the fundamental goods of man, and that right to which many jurists seek to reduce the other rights. Yet some consideration of the relation of the two is desirable, if for no other reason than that it will enable us to see the significance of the postulate with which we are dealing.

Liberty, or political freedom, is freedom from external restraint, freedom to seek happiness, to realize or express the self, however we may choose to describe the moral end. Such freedom, although perhaps not the highest good, is certainly one of the highest of political goods. But it is not always as clear as it should be that freedom in the political sense presupposes freedom in the moral sense. There is no real reason why I should feel any obligation to respect the right to freedom of my fellow man if he is not a free agent in the moral sense. If all his acts are determined, as in the case of a machine or perhaps a lower animal, there seems to be no good reason why he should not be treated as such, why he should not be used as means to ends, just as they are. On the other hand, freedom in the political sense cannot be separated in our thought from civic and political responsibility, and it seems rather absurd to hold a man responsible legally and politically if he is not responsible morally also; and moral responsibility cannot be thought without assuming moral freedom.

We may say then, that acknowledgment of political freedom as a good, implies, when thought out, the postulate of moral freedom as a fact. The "natural law of liberty" as it has been called, implies the moral law of freedom. This is but a special case of the general relation of law to morals, as already defined. Just as assent to law implies that legal justice is realizing ethical justice within its range, so also the acknowledgment of the natural law of liberty as binding, implies that it is the liberty of a self-determining being. This we shall see later in the analysis of responsibility. It is for this reason, undoubtedly, that the Occident holds fast so firmly to its belief in freedom of the will despite its equally firm belief in the reign of law in nature. Except in his more dreamy moods, the fatalism of the Orient is repugnant to the man of the West. In some dim way he realizes that political and moral freedom must hang together, or they will hang separately.

ETHICAL INTERPRETATION OF FREEDOM

It is quite common now-a-days to say that the task of ethical philosophy is not to prove the freedom of the will, but to interpret it. The reason for this is, as I have already suggested, that most thinkers recognize in the consciousness of freedom a fact of immediate experience or intuition, or at least a postulate so closely connected with immediate intuition, that it has the same kind of evidence. The problem of the philosopher is, then, not to prove it but to interpret its meaning. This interpretation involves the task (1) of showing just what kind and degree of freedom is presupposed by the moral life and (2) of showing that freedom, as thus understood, is wholly compatible with the truths of the descriptive sciences, such as psychology and biology, and ultimately the so-called physical sciences of chemistry and physics. We shall consider these two questions in the order stated.

There seems little reason to doubt that this is the true setting of the problem, and our first task must be precisely this interpretation of freedom as presupposed by the moral life. It will be advisable, however, first to make clearer what is understood when it is said that freedom itself is a fact.

"As for our freedom," writes Henry Osborn Taylor, "any doubt of it counters the resistless convictions of our nature; which are also fundamental to the rest of our make-up and functioning. Against their certitude the most serried reasonings will break." He goes on to say that, while these convictions are ultimate, still reason may be marshalled on their side.[1] Let us first examine this conviction and then turn to the reasons that support it.

When appeal is made to this consciousness or feeling of freedom as a "fact," it is frequently answered that, while this consciousness is a psychological fact, it is nevertheless really an illusion. The crooked stick seen in the water is actually *seen* as crooked—its crookedness is a psychological fact; but when we know the physical laws of the refraction of light we see that it is an optical illusion. Similarly, we *feel* free—in every act we perform—almost in every breath we breathe. That feeling is itself a fact, but when we know the psychological or biological laws of our being, we see that it is an illusion—a sort of "life illusion," as it were—that springs out of the will to life, or the "forces of life welling up from beneath." Thus Fichte, in his famous *Vocation of Man* (which every student of ethics ought to read), indicates how a naturalistic determinism tries to explain away the consciousness of freedom.

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[1] *Human Values and Verities*, p. 10.

Now it is doubtful whether the consciousness of freedom can be explained away in this fashion. In any case, it is a fact of experience which must be taken into account by the philosopher. But when the philosopher says that freedom is a fact, he means even more than this. He means, not only the intuition or conviction of freedom as a psychological fact, but also freedom as a character of individuality as such. Thus H. W. Carr says, "in speaking of freedom as a character of individual activity I am referring to a fact and not propounding a theory. . . . The freedom I am speaking of is simply the range of individual activity which obviously differs qualitatively and quantitatively throughout the whole hierarchy of living forms. Man has a range within which his activity is unrestricted and also there is a limitation of this freedom."[1] Freedom, in this sense—as increasing selectivity or modifiability in the higher ranges of living beings—is a biological fact recognized increasingly in modern biological theory.

ANALYSIS OF RESPONSIBILITY, LEGAL AND MORAL

The reality of freedom is implied in the consciousness of the reality of the moral life. If I really ought, then most certainly I can. We may get a sense of fatality or determinism by the reading of some tragedy or naturalistic novel, or by preoccupation with the causes and effects of nature;

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[1] *Changing Backgrounds in Religion and Ethics*, p. 184.

but every time we step out into life the assumption of freedom again becomes a part of all our acts, and still more in our personal relations to other people. It is this latter aspect that we shall consider first in our interpretation.

We are always saying to ourselves, "you ought to do that, you ought not to do this." But we are always saying it also to our fellow men. Nor indeed can we avoid saying it. However fatalistic a man's view of life is, he cannot, if he is a true father, avoid saying it to his son, and if he is a true friend, saying it also at times to his friend. The father holds that his son is capable of becoming a responsible agent, and one of his chief desires and duties is to make him such.

All judgments upon the conduct and character of our fellow men presuppose that they are free moral agents, and may be held responsible or accountable for their actions. It is this notion of responsibility that is the first key to the interpretation of this meaning of ethical freedom.

It is true that some thinkers have scouted this emphasis on responsibility. Thus William James in his *Pragmatism,* says: "To hear some persons, one would suppose that all ethics aims at is a code of merits and demerits. Thus does the old legal and theological leaven, the interest in crime and sin, abide with us. 'Who's to blame? whom can we punish? whom will God punish?' these preoccupations hang like a bad dream over man's religious history. . . ." He continues, "I ask you whether any man, woman or child, with a sense for realities, ought not to be ashamed to plead (for free will) such principles as either dignity or imputability. . . . The real ground for supposing free-will is indeed pragamatic, but it has nothing to do with this contemptible right to punish which has made such a noise in past discussions of the subject."[1]

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[1] *Pragmatism*, p. 116.

Now we may perhaps agree that the right to punish has made too much noise in past discussions of the subject, but that it has nothing to do with the question of free-will we must certainly deny. It is doubtful whether James really senses the problem of responsibility and accountability. With all his genius and insight, James had certain blind spots, and the entire field of social and legal thinking was one of them. The brutal truth is that we *must* praise and blame our fellow men, to say nothing of ourselves. We must, alas, punish them at times also. We do not want to be stupid enough to do these necessary things if there really is no responsibility or accountability.

It is probable that men have always held their fellows accountable for their actions in some sense. But in primitive societies this feeling of accountability is scarcely distinguishable from the feeling of resentment and revenge out of which the "wild justice" grows. This "natural accountability," as it has been called, is probably little more than holding an individual responsible for any act of which he is believed to be the *cause.* No clear line is drawn between inanimate things or animals and men, or between the individual and the tribe or family of which he is a member. When a savage chastises the inanimate object that has failed him, or when his wild sense of justice can be appeased only by killing the entire family of the offender, it can hardly be said that such notions of accountability imply any clear idea of the freedom of the will. It is tempting then, to go farther and to say that, since this primitive and natural accountability does not imply free-will, neither do the legal and moral notions that have grown out of them. Accountability is, so to speak, merely a practical or utilitarian notion developed for purposes of social control. This is the view of William James already referred to.

It is, however, easy to show the impossibility of such a view; it leads to consequences of the greatest absurdity.

Merely "natural accountability" of this sort is wholly ridiculous in a developed man. If a man kicks at a piece of furniture and swears at it as though it were self-determined, we laugh at him. We find it equally absurd to call the dog or the tiger bad because they bite or eat us; and the spectacle of bringing a dog into a court of justice fills us with the laughter of the gods. To say, then, that the accountability that we insist upon in our law courts and in our daily moral intercourse is nothing but this casual connection, is to make us all idiots or children.

In short, this whole view we have been considering is but a peculiarly vicious instance of the fallacy of supposing that that which is historically derived is nothing more than the thing out of which it has been derived. Moral responsibility may have developed out of "natural accountability," but to treat men on the basis of that primitive assumption now, is either the height of tyranny or the depths of stupidity.

This situation is recognized to a degree by some thinkers. They see clearly that if law is to be anything but an absurdity or a tyranny, it must postulate or presuppose freedom. But they still feel that we really are not free, so they describe this postulate as a fiction, but a "necessary fiction" required by law—just as certain necessary fictions are required and used in the mathematical and physical sciences. This point of view is developed at some length by Vaihinger in his well-known book, *The Philosophy of As-If*. It requires, however, very little thought to see that Vaihinger, and others of like ways of thinking, are the victims of a false analogy. The postulates of morals are, as Kant long ago pointed out, on an entirely different footing than the hypotheses or theories of science. In the practical reason a postulate requires belief. It is of the very nature of action that it stultifies itself if it acts on that which it knows to be wholly a fiction. Fictitious elements there may be, and doubtless are, in many of our postulates and ideals; but as Plato said, "something of the kind" must be true. Vaihinger has tried to use Kant to give authority to his doctrine of moral and legal fictions, but the entire drift of Kant's thought is in the opposite direction. In any case, the notion of freedom as a "necessary fiction" is an untenable conception.

THE NATURE OF THE FREEDOM PRESUPPOSED

We may say, then, that responsibility, both legal and moral, implies the freedom of the will in some sense. If responsibility is real, freedom is real. If the consciousness of freedom is an illusion, responsibility, and the imputation of praise and blame, constitute an impudence. If freedom is a "legal fiction," then accountability and punishment are fictions and ultimately a form of tyranny.

Responsibility implies freedom in some sense. We have yet to determine that sense, or, in other words, to interpret that moral freedom which we have now seen to be a fact. The sense in which freedom is implied is first of all that of self-determination, or the ability to the individual to modify his conduct or character in the direction of moral norms, and ultimately in the direction of the moral ideal which they presuppose. But curiously enough—and this is a point to which we must give the closest attention—these same judgments of responsibility and accountability also presuppose a certain kind of causality or determinism. This fact, and the contradiction it seems to imply, has confused many minds and led many to sacrifice freedom to determinism. An illustration will serve to bring out the point I have in mind.

A bank official, let us say, is given more and more responsibility, is trusted more and more by his employers. They assume and believe that he has such a character that he may be trusted to do the right thing and to refrain from doing the wrong in the face of the "temptations" of impulse, desire, or even of great need. They assume, in short, that character determines conduct and that when character is formed, one can count on it—in a certain sense and to a certain degree, predict what the man will do. You cannot really hold a man responsible unless you can also count on the effectiveness of his character in determining his actions. It would be absurd to hold any one responsible who, no matter what habits he had formed, was in exactly the same state of indeterminism in which he was before his character was formed. It is this that is meant when it is said (and rightly) that pure indeterminism is at variance with moral practice and judgment.

This point is of great importance, for it is sometimes thought that for the will to be free at all it must be free from determination of any kind—that it must be like a pair of balances that can, at any moment, be tipped one way as easily as another. Such "freedom"—to do anything—would not be freedom at all but the worst kind of bondage—what Matthew Arnold called "bondage to the passing moment." Surely a freedom that consisted in such a state—which involved the fact that, after all our years of effort to form character, we could just as easily do wrong as right as in the beginning—is not one that we should want, as ethical beings, either for ourselves or our fellows. Freedom of this kind, indeterminism, passes over into its opposite, determinism, as Hegel said.

It is clear from this analysis, that the freedom demanded by ethics does not exclude every kind of determinism, but only that form that is mechanical and external to the self. True freedom implies determination of conduct by character.

There are in general three main views as to what constitutes free volition or the freedom required by ethics: (a) that volition is free when, and in so far as, it is due to the character and motives of the individual—because it is his action, as distinguished from actions due to the application of external force, or the physiological reflex; (b) that free volition is in some way and to some extent independent of motives—being due to a self not entirely accounted for by character, motives and circumstances; (c) that free action means action in accordance with reason, reason being thus regarded as man's true self. Of these three conceptions, the second may be excluded. Conduct independent of all motives whatever, would make freedom in the sense of self-determination impossible. The first is true in that it recognizes that freedom does not exclude all determination. The third is, however, the most adequate conception. Free action is, in the last analysis, action in accordance with reason. When we understand the meaning and the reason of conduct, and when that reason becomes our conscious motive and the very determinant of character, then all conduct springing from that character is ethically free.

DEGREES OF RESPONSIBILITY AND DEGREES OF FREEDOM

Responsibility, as understood both by common sense and the legal consciousness, does not, we have seen, imply freedom in the sense of *indeterminism*. It is precisely such a conception of freedom which makes real responsibility impossible. It is also clear that such responsibility does not imply that freedom is absolute in the sense that we are either absolutely free or absolutely determined. There is such a thing as degrees or levels of freedom.

The concept of degrees of responsibility is a part of practical common sense and of legal theory. This is seen in the theory of the degrees of murder. A distinction is made in law between murder in the first and second degree, the first degree being confined to deliberate or premeditated murder. In addition there are the distinctions between murder and man-slaughter. Underlying this differentiation of degrees is the assumption of degrees of responsibility, and ultimately of degrees of freedom. An individual who takes a life in a state of madness, or even of drunkenness, is determined by impulses external to the self. He who murders in a fit of rage is more conscious of the meaning of his act, but his power of self-determination is still limited by external impulse. The man who murders in cold blood is fully conscious of the meaning of his act, has identified himself completely with the act, and it is, as we say, deliberate. Freedom means simply the ability to have conscious motives, to understand the meaning of our actions, and to have the power to modify them in the direction of some end or ideal. Both responsibility and freedom must, by their very nature, have degrees.

This is merely common sense, and the law, which in the main embodies this common sense, reflects the same general situation. The fact that in practice it is often very difficult to distinguish these degrees—that the methods of so distinguishing them, as developed by law, are often very crude, and should be increasingly supplemented by the more refined methods of the psychologist—does not in the least affect the main issue. Not only is freedom itself a fact in the two senses previously described, but the existence of degrees of freedom is a fact also.

The concept of degrees of freedom is important for practical moral judgment, but it is no less important for ethical theory. A large part of the misunderstanding in this field is due to the neglect of this fact. The situation here is not unlike that described in the preceding chapter. It is assumed that a moral standard must be either universal and necessary, or it has no authority. We found that such a standard could be both changing and authoritative. In like manner it is frequently assumed that the will must be absolutely free or it cannot be free at all. There is in reality no basis for this assumption. If freedom is self-determination, in the sense of our definition, it varies with the degree of the development of the self and of the character and motives which make up the self. Freedom, in the moral sense, is not something innate, but something acquired. We are born with the potentiality of freedom, but what we shall make of that potentiality is a wholly different matter.

MORAL FREEDOM AND SCIENTIFIC LAW

The task of philosophy in general is to think things through; the task of moral philosophy is to think out the implications of moral life and judgment. One aspect of this task we have fulfilled in our interpretation of moral freedom—in determining why freedom is implied by the moral life and the nature of the freedom thus implied. From this point of view we have come to the conclusion that, while the reality of the moral life demands freedom, it is a kind of freedom that is not inconsistent with the achievement of character and the self-determination that springs from character.

The problem of the moral philosopher is, however, much more far-reaching than this. If we were to confine our attention to moral reflection alone there would be no question of the freedom of the will. The "practical reason" of man, as Kant saw clearly, says that he must be free. But there is also the theoretical reason; and when reason acts in this theoretical capacity, as in the descriptive and explanatory sciences, it seems to demand that we think of human actions as determined precisely as any other form of happening. However much freedom of the will may seem to be a fact of our immediate consciousness, however much it may seem to be implied in all our moral judgments—is this after all the way to go at the problem? Is not freedom a notion fundamentally at variance with all the facts of nature as revealed by science, and in contradiction with the basal concepts of science?

THE PSYCHOLOGIST AND HUMAN FREEDOM

It is, accordingly, natural to think that the problem of the freedom of the will is not a problem of philosophy as distinct from science, but essentially one for science to determine, more particularly the science of psychology. Psychology is traditionally the science which deals with the workings of the human mind, and the will is one of the classes in which these phenomena or activities of the mind have been divided. Our problem would seem then to be simply this—whether what we know of the workings of the human mind allows us to conceive of the possibility of self-determination as we have defined it, of modifiability, on the part of the individual, of his conduct and character in the direction of the moral ideal.

It is natural to think thus, but for that reason none the less fallacious. As William James, psychologist as well as philosopher, has said: "the fact is that the question of free will is insoluble on strictly psychological grounds." Psychology, he maintains, leaves the question open, and its answer is possible only by the method of philosophy which takes into account a very much wider range of considerations, including the ethical and practical. If we are to think things through it is important to see why this is so.

The first of these reasons has to do with the "matter of fact" of psychology. We have already seen that, if we were to appeal to psychological fact in the sense of the immediate deliverance of consciousness, there would be no question. We feel ourselves free, and against this feeling the most serried reasons break in vain. One fact is worth a ton of theory. But this is not what is meant by psychological fact here. This feeling of freedom may be an illusion which other facts will dispel. The psychologist often claims that he has other facts which show this feeling to be the illusion it is. This is, however, what James denies.

For the psychologist the problem is presented in this way. We make a certain "choice." We think that our choice could have been other than it was. Can the psychologist show that it could not have been other than it was? James says that he cannot. Let us see why this is so.

Choice expresses itself for the psychologist in terms of attention or, otherwise expressed, choice is the direct effect of attention. Now psychology can indeed lay down the general principle that action follows upon idea and the attention given to the idea. It can, perhaps, determine, in its own way and for its own purposes, the amount of effort or attention given. But it can never say, on the basis of any factual knowledge, whether I might have given more. As James says, "After a certain amount of attention has been given to an idea, it is manifestly impossible to tell whether either more or less of it *might* have been given or not."[1]

This same position has been expressed by the philosopher Bergson in another way. Psychology does, and perhaps may, lay down the general principle that choice is determined by the strongest motive. But no meaning can be given to this expression except that it is the motive that appeals most to the self. In other words, we argue in a circle. The self is determined by the strongest motive, but the strongest motive is that which appeals to the self.

It may be said without danger of serious dispute that there is no possibility of psychology disproving the freedom of the will in the sense demanded by moral practice and moral judgment. There is nothing in what we know of the facts or of the workings of the human mind, as seen either in human behavior or in introspection, that precludes it. In reality, the motives that lead many psychologists to deny freedom of the will do not arise out of an impartial survey of the facts of human experience themselves but, as

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[1] William James, *Psychology: Briefer Course*, pp. 456, 457.

James suggests, from an entirely different source. "The psychologist wants to build a science, and a science is a system of fixed relations. Wherever there are independent variables, there science stops. So far then as our volitions may be independent variables, a scientific psychology must ignore that fact and treat of them only so far as they are fixed functions. In other words, she must deal with the *general laws* of volition exclusively; with the impulsive and inhibitory character of ideas; with the nature of their appeals to the attention; with the conditions under which effort may arise, etc.; but not with the precise amounts of effort, for these, if our wills be free, are impossible to compute. She thus abstracts from free will without necessarily denying its existence."

SCIENCE AND THE PREDICTION OF HUMAN CONDUCT

Many psychologists would admit both of these contentions of James and yet insist upon the principle of determinism. They argue somewhat after this fashion. It may be true that psychology is not in a position to tell us whether a man could or could not have done other than he did. It may be true, and doubtless is, that we cannot predict a man's future choices and acts as we can predict in other spheres of science. But this is due to the undeveloped state of psychology. Psychology is, however, but a part of natural science, and natural science, taken as a whole, is sure that everything that happens is determined. If we extend our thought from psychology to biology, and from biology to chemistry and physics, we have a cumulative body of evidence which scarcely allows us to doubt that everything in this world is determined. Their views are expressed more concretely in this way. It is true that it is absurd to pretend that we can actually predict a man's choice. But *if we knew* completely the past, all the influences of heredity and environment, then there is no question that we could predict human behavior with the same certainty that we can predict the behavior of inanimate things.

To such statements as these one is tempted to say, with Gilbert Chesterton, that "living in the future is a soft job." One can always take flight from fundamental difficulties by saying that *if* we had the knowledge, we could. "If wishes were horses, beggars might ride." In truth it is just such "wishful thinking" that is everywhere in evidence in all such arguments. Our actual knowledge of the influence both of heredity and of environment is really very small. With regard to heredity we do not actually know what is really inherited even in mice and dogs, to say nothing of men. We do not yet know whether any acquired characters are inherited or not, and our answer to this question vitally affects our notion of determinism by environment. Just as little do we actually know how much environment affects the behavior and sentiments of men during their own lifetime. We have actual knowledge regarding modification of simple reflexes and impulses, but all the rest is pure speculation. To say that we *know* that men's behavior is completely determined by heredity and environment, is by that very statement to make manifest the fact that we really do not understand what scientific knowledge is.

The actual factual basis for this conception of possible prediction of an individual's behavior is, then, so slight and so ambiguous as to make all such claims ridiculous. But the entire notion of such prediction contains a fallacy so glaring that it needs only to be pointed out to be obvious to everyone of any logical acumen. Prediction is actually possible only where the incalculable element, the margin of error, is very limited and easily controllable—in other words, only in very simple mechanical systems. For very definite and easily describable reasons, such prediction is ruled out in human conduct both individual and social.

The factor that enters in here is our human consciousness of facts and their meaning. The very discovery, on our part, of heredity and environment alters their character. In the individual life this appears in the following way. I become aware, let us say, of an inherited tendency to alcoholism, if there is any such thing. With this very awareness, this fact of heredity is altered for my will. I can accept it, allow for it, and modify my actions accordingly; or I can accept it as unmodifiable and yield myself to my impulses. In either case, the element of conscious selection that enters in makes all prediction impossible in the individual case. The same situation is present in the case of the factor of environment. Environment for man is not something static and unalterable. The moment it enters into his consciousness as a factor, it is already modified and still further modifiable to an unpredictable degree.

Prediction of human conduct in its larger social aspect suffers from the same inherent difficulties. One of the most famous of such predictions is that connected with the name of Karl Marx. The "margin of error" in his calculations is now generally recognized. It was due to the fact that he based all his predictions on the assumption that the class war would retain its character. What he did not see was that by his very discovery of it, and his bringing of it to the consciousness of men, he altered its character. Men immediately began to alter it or to avoid it. Almost against his will, by his very preaching of the class war, Marx has helped to mitigate the war spirit.

The whole situation constitutes an illuminating example of the difficulty of making a "natural science of man." The difficulty of reducing the facts of man's social behavior to natural laws, as we might reduce the behavior of animals, is simply that the natural law which governs men has a trick of ceasing to be a law whenever it is proclaimed. In the instance cited, whenever the two classes learn what the law of their action is supposed to be, they see it to be both futile and discreditable, begin to remember their humanity, and refuse to "obey" it.[1]

WHAT "SCIENCE" HAS TO SAY ON HUMAN FREEDOM

To say that while we cannot actually predict a man's choice, we could do so if we knew all his past—all the influences of heredity and environment—is then, not only a claim that can never be brought to any actual test, but one which involves an obvious fallacy. But the fundamental difficulty in this position is something that goes very much deeper. It involves pointing out that people who argue in this fashion are making a wholly illegitimate appeal to "science," that the conception of science and of scientific law to which they make their appeal, is quite out of accord with the actual situation in scientific thought today and, finally, that the more "philosophical" scientists would themselves be the first to dissociate themselves from this dogmatism. Let us see, then, what is the actual situation in the more fundamental sciences today.

When people argue that the human will must be determined by heredity and environment, because "science" tells us that everything that happens is necessarily determined, the science that is appealed to is the model sciences of physics and mechanics, to which it is supposed all other sciences can be reduced. Here, it is held, strict causality and strict determinism have been established, and this sets the ideal or model for all other science.

Now the simple fact is that the exact opposite is the case. It is precisely in these more fundamental sciences that strict causality is challenged. There are large fields of physical investigation in which it can be said, not merely that the necessary causal relations have not yet been worked out, but rather that the very nature of the facts is such that apparently they cannot be determined. The very idea of determinism ceases to have meaning. Even in physics causal necessity is a notion which holds only for certain gross and surface phenomena, and cannot be said to hold even for the physical universe in its deeper aspects. There are large fields of physical investigation in which it cannot merely be said that relations of cause and effect have not yet been worked out, but rather that the very nature of the facts themselves is such that these conceptions no longer have meaning. Even more important is the recognition of the fact that in these realms what we call laws are statistical laws. Even the ordinary man recognizes that when we say that so many men of a certain age die every year, there is nothing in that law to compel any one man to die; or if there tends to be a constancy in suicides, no one of the suicides was forced to take his life. It is now recognized—and this is the important point—that laws in general are just such descriptions, and that the old idea of compulsion, associated so long in our minds with law, is really out of place in physical science itself. Self-critical science has long recognized this truth.

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[1] See in this connection J. W. Scott, *Syndicalism and Philosophical Realism*, p. 34.

What is the meaning of all this? Certainly not that freedom of the will is proved by physical science. Nor yet that physical science disproves determinism. It simply means that Science, with a capital S, cannot be appealed to as authority in arguing against the freedom of the human will.

WHAT PHILOSOPHY HAS TO SAY

William James said—and rightly—that the problem of the freedom of the will cannot be solved by science, but belongs essentially to philosophy, and we find that those thinkers who represent the advance guard of present-day physical science increasingly justify this position.

What then has philosophy in general to say on this question? In general, it may be said that the philosophers have all along been saying, in their own way and from their own standpoint, the same things that the modern physicist is saying. More particularly, since Kant it has been thoroughly understood, that it is entirely possible to accept determinism as a postulate of science and at the same time acknowledge and recognize a world of moral meanings and values to which the entire conception of natural law is irrelevant. Let us now see how they have come to this position.

At the beginning of this chapter it was pointed out that moral philosophers almost invariably believe in the freedom of will in some sense—a fact for which, as we saw, there are obvious reasons. Philosophy in general follows this lead, for the reason that a philosopher can scarcely be a philosopher without being a moral philosopher also—or at least taking into account the facts and postulates of morality. They are part of the world that he seeks to understand.

Philosophers generally agree, then, on what may be described as the negative aspect of the question. They agree that the question of the freedom of the will is not a problem for science. They agree on this point because they all share a common belief in the limitations of science, however differently they may express that belief. Some, like James and Bergson, hold that "science" comes to the facts of immediate experience with certain assumptions and postulates, namely that everything is determined, and consequently takes into account only such facts as fit into its deterministic net. In other words, the dice are already loaded. Bergson carries the argument further, in that he seeks to show that science is, by its very nature, analytic. It breaks up reality, including life and mind, into parts and then finds itself unable to put the parts together again except by connecting them causally in a web of determinism. Psychology, following this lead of scientific method, breaks up the totality of consciousness or mind into sensations and ideas, into acts of will and motives for those acts. In his own technical terms, it "spatializes time," thinks of the continuous flow of consciousness as though it were spread out in space, like the brain, and then thinks of each moment of consciousness as determined by the preceding. Here again the dice are loaded. For if we thus artificially divide mind and consciousness into parts, we can think of these parts in no other way except as causally determined.

This is one way of stating the negative aspect of the question. Other philosophers, especially the modern idealists following Kant, put the same position in another way. Science, according to these thinkers, deals only with phenomena, that is with things only as they appear to us humans, with certain sense organs and with certain forms of thought. Of chief importance among these forms is the idea of necessary causation. We cannot know facts or phenomena without putting them into relations which are necessary and universal, and the causal relation is the principal one with which science is concerned. Nature, for science, must be a determined system, otherwise there is no science. Here too, the dice are loaded. If then we look at man as merely a part of nature—at his body as connected with other bodies in the universe, his organic life as part of the continuity of organic life as we study it in evolutionary biology, his mind as connected with other minds both animal and human, as studied in comparative and social psychology—if we do this, then the only way we can understand these relations, is by working out these necessary connections, by assuming, in other words, determinism. On the other hand, it must not be forgotten that it is man, or the thinking self, that establishes these relations. To do this, to know in the sense required by science, the knower must in a sense transcend what he knows. A being who was merely a link in the chain of "nature-causality" could not even know that he was a link; still less could he look before and after, project his mind into the past and contemplate the possibilities of the future. Knowledge, no less than morals, postulates a free and transcendent self. This view is still very influential and is held by many scientists, including psychologists, of whom Münsterberg was an outstanding example.

THE METAPHYSICS OF FREE WILL

On this negative aspect of the question, it may then be said, philosophers are generally agreed. Their different ways of stating their belief are due, not to any differences of view as to the limitations of scientific knowledge and scientific method, but rather to differences in their conceptions of the positive character of knowledge into which we cannot go here. On the positive aspect of the question of freedom, philosophers are also in the main agreed. Their position may be stated in the following general form. Man is free because he is part of a world or nature, the ultimate character of which is not determinism but freedom. This general position may again be stated in different ways.

The more realistically inclined are likely to approach the problem from the standpoint of evolution. Man is the latest product of an evolutionary process. That process has often been conceived of as a completely determined process in which all that has appeared on the later levels was predetermined by the lower levels. Cosmic evolution—from star dust to selves and societies—is simply the result of combination and recombination of simple elements, however those elements may be conceived. The higher levels may then be reduced to the lower because the former are determined by the latter. But this is not the way the evolutionary process is conceived today. Whether it be thought of as a free creative process, as in "Creative Evolution," or as a process in which novelties appear, as in "Emergent Evolution," in either case freedom, not determinism, is the ultimate character of reality. Man then simply manifests in a higher degree that freedom or selectivity which, in different forms, is the character of the entire process.

Idealistic philosophers likewise consider freedom rather than determinism the fundamental character of reality as it ultimately is. They reach their position, however, in a somewhat different fashion. Having pointed out, as we have seen, that man must be more than a link in the chain of natural causation if he is to really know nature itself—that he must, in short, transcend nature in order really to know it—they go on to insist that this "transcendental self" is free. In Kant's terms, man is empirically determined but transcendentally free. This has seemed to many to be a contradiction, but what it means is simply that if man looks upon himself merely as part of nature, he must, by the very conditions of the case, think of himself as determined. But that is only as he appears. What he really is is a free self-determining being who can set himself goals and pursue them, one of the most important of which goals is knowledge itself. Knowledge in any meaningful sense of the word is free activity. But now what does this signify for our view of reality as it ultimately is? Idealists argue in general, that man with his free activity, his pursuit of values, including the values of knowledge, is a truer key to the ultimate nature of the universe than those parts of the cosmos that appear mechanical and determined. Like the more realistically minded, the idealists think that man is in his essence free because he is part of a nature which is itself, in its inmost character, spiritual rather than material and mechanical.

A LOGICAL REFUTATION OF DETERMINISM

No one, of course, can really go far into all these questions without studying carefully the philosophers and the philosophies of which we have here spoken. That is, however, a task far beyond our present purpose and belongs to more advanced courses in philosophy. The important point here is, that philosophers in the main agree that what are called natural laws are descriptions based upon abstractions from the actual concrete reality that makes up our life and experience. It is all right to make these abstractions, but, as Hegel said, we must not forget that we have made them. With this position most thoughtful scientists would now agree.

Instead of pursuing further this line of thought, I will present here a philosophical argument against determinism, the point of which the most unphilosophical mind can easily see. It has been described as the logical refutation of determinism, and presents a line of thought which most philosophers would consider cogent. It will serve also to bring our entire discussion to a head.

If mechanistic or materialistic determinism is correct (and in the last resort all determinism tends to be mechanistic and materialistic), then certain very surprising and disconcerting consequences follow. If such a view is correct then the mind, including the will, is a part of or a function of the brain. Our thoughts then reflect—indeed in the last resort they *are* movements of the brain, and they are determined therefore by these movements—the movements of the brain in their turn being determined by heredity and environment. We think our thoughts, not because they are true, but because our brain passes through certain cerebral states, just as we entertain certain motives, not because they are good, but because our brain passes through certain cerebral states. Truth, on this view, is as much an inadmissible concept as freedom.

This is not always seen by the ordinary mind, but the philosopher insists that it shall be realized. Truth is an inadmissible concept because the notion of truth involves the assumption that an idea can be tested by something other than the relation to the brain—something that can convict it, for example, of being either true or erroneous. Now if determinism is right, our thoughts are what they are and cannot be what they ought to be. They are biologically or chemically sound, but to say that they are logically sound has no meaning. To say of a man's thought, conceived as thus determined, that it is logically correct, would be like affirming of a gland or a nerve cell that it was logically correct. Hence, if materialistic determinism is right our thoughts cannot be "true." Now such a theory is itself a structure of thought; consequently it follows that what it asserts cannot be true.

This argument has been pressed home with great force by A. S. Eddington in his lectures entitled *Science and the Unseen World.* He points out that to say even, that five times nine are forty-five is a "better" answer than five times nine are forty-seven, takes us into a realm of meanings and values where science and scientific method are irrelevant. We need not fear, he tells us, that science will explain away obligation and freedom. It cannot by itself explain even the multiplication table. In general, his position reflects the Kantian point of view, although without its technicalities.

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* G. H. Palmer, *The Problem of Freedom.*
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J. Dewey, *Human Nature and Conduct,* Part IV, Sec. III.
W. B. Gibson, *The Problem of Freedom* (In essays entitled, *Personal Idealism*).
W. R. Sorley, *Moral Values and The Idea of God,* Chap. XVII.

T. H. Green, *Prolegomena to Ethics,* Bk. II, Chap. I.
H. Bergson, *Creative Evolution* and *Time and Free Will.*
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CHAPTER XVIII

MORAL PROGRESS AS A BELIEF AND AS A FACT

BELIEF IN PROGRESS

Just as moral philosophers almost invariably believe in freedom of the will in some sense, so also they quite generally believe that the goods or values which moral agents in their freedom realize and create, have some permanent significance that survives and transcends their own personal temporal life and fate. This belief expresses itself in two main ways: in the belief in immortality and in the belief in progress—in the idea of the survival of bodily death, or in the idea of the perfection of humanity, or the continual progress of mankind in time.

In the case of the first belief, the underlying idea seems to be that there is an obvious contradiction between the moral task and the incompleteness of the individual life. We have, in Emerson's words, "an instinct for perfection." "Man only partly is and wholly hopes to be." That which is actually realized in our short temporal life is but an infinitesimal part of what is included in the moral ideal of total self-realization, and unless the ethical process continues beyond this life it is essentially meaningless and illusory. In the case of the second belief, the underlying idea is much the same. The individual life of moral effort acquires most of its meaning through the contribution it makes to an over-individual social process, in which the achievements of the individual are both further developed and conserved, this over-individual process being what we call the *progress* of humanity. Tolstoy has expressed this relation of the belief in human progress to the meaning of the individual moral life in a peculiarly vivid way that has remained unsurpassed. In *My Confession* he tells us that when he lost his faith in "God" and "Providence," the belief in progress took its place. By it he lived. It was only because he felt himself part of a progressive movement of humanity that his own individual life and efforts had any meaning. When he lost his belief in progress the meaning of life faded, and he found himself, at fifty years of age, in a state of doubt and despair, from which he emerged only after he had thought his way through to a restatement of his former belief in Divine Providence, which his temporary belief in progress had displaced.

A complete study of the philosophical implications of morality would require an examination of both the postulates of immortality and progress. Kant, whose general way of thinking we have taken as our starting point, believed in both. There are reasons, however, why it seems desirable to confine ourselves to the question of moral progress. In the first place, the fundamental ideas underlying both conceptions have much in common. In the second place, limits of space exclude an adequate treatment of both, and it is much better to treat one problem fully than both in a sketchy fashion. Moreover, the problem of progress is more in the center of present-day thought, and the problem of immortality takes us more deeply into difficult questions of metaphysics. The student interested in the philosophical aspects of ethics will do well to pursue this latter inquiry further, and references for that purpose are given at the end of the chapter.

BELIEF IN PROGRESS AND THE MODERN MAN

Moral progress seems to be demanded by our moral sense. The very essence of the moral life is progress in the sense of movement from the lesser to the greater good, from the lower to the higher. In this sense the moral life of the individual was looked upon by the Greeks, especially by Aristotle, as a progress or development. And indeed any teleological theory—whether that of happiness or self-realization—must see in the progress or movement towards that end the essence of the moral life.

The Greeks did not, however, have our sense of and belief in human progress as a whole. That came in first with the Christian view of the world. It is a characteristic idea of Christian thought, both as regards the individual and society. The moral ideal being conceived as infinite, the moral life is apt to be regarded as a *progressus ad infinitum.*

In more recent times the belief in progress has tied itself closely to the belief in evolution. The three sources of this modern belief, according to Bury, are Darwinian evolution, the perfectionism of the French Revolution and the Hegelian philosophy. Of these three the most influential in popular thought is evolution. Darwin himself sounded this note of modern thought when, in concluding *The Origin of Species,* he said: "As Natural Selection works solely by and for the good of each being, all corporeal and mental endowments will tend towards perfection." Just as for the optimism of the nineteenth century the principle of *laissez-faire,* or free competition, was believed to lead necessarily to a just distribution, so for this same optimism evolution was supposed to necessarily imply progress. All of which led Herbert Spencer to his famous dictum, that "the law of progress is the most certain of all facts."

It is the fashion for the moment to decry this entire belief in necessary progress. And yet there seems to be some sort of logical relation between belief in a moral ideal and belief that it is being progressively realized in the world. The moral ideal, in any of its forms, seems to require belief in two things. The first of these is the idea of an increasing purpose, however dimly apprehended by man. Tennyson wrote, "And I doubt not through the ages one increasing purpose runs"—and it seems true that if one does come to doubt this larger purpose, he comes also, in the long run, to doubt the significance of human purpose also. But this increase of purpose and value seems logically to imply something else—the element of permanence or conservation, of imperishable value. When one tries to think through this idea of increasing purpose, one comes to see that there can be no genuine increase without the retention, or conservation, in some form, of the goods or values already achieved. The alternative of this is futility. The Greek symbol of futility was the picture of Sisyphus trying to carry water in a sieve, or of continually rolling a stone up a hill only to have it roll back again. Writing on this very topic of progress, the philosopher Renouvier asks: "Do we offer any real consolation to Sisyphus by promising him annihilation, even if it is coupled with the promise of successors capable of lifting the old rock higher and still higher up the fatal slope? By offering him the eternal falling of this rock and successors who will be eternally annihilated and endlessly replaced by others?"

INTERPRETATION OF MORAL PROGRESS

We may then, perhaps, say here what we said of the postulate of the freedom of the will: the task of philosophy is not to prove human progress but to interpret it. It may not be true that the law of necessary progress is the most certain of all facts, in precisely the sense in which Herbert Spencer understood the term fact, but it is certain to the extent to which the moral life itself is real and its values valid. It is a postulate so immediately implied in the moral life itself that it has the same kind of evidence.

In the second place, it seems idle to deny that there *has been* human progress in some meanings of the word. It is as certain as that there has been evolution of life. One cannot read the facts of biological life without seeing in them changes of the type we call evolution or development. No more can one read the facts of the historical life of man without seeing in them changes of the type we call progress. To the ordinary man it seems absurd to deny that there has been progress in some aspects of human life—in science, invention and in institutions of various kinds. The question is merely whether there has been progress in the *whole* of life, whether there has been *moral* progress in any genuine or ultimate sense.

In view of these considerations, our problem is then rather (1) what is the nature of that progressive change in human life and institutions which is demanded if the moral life is to be significant and meaningful? and (2), what is the evidence in history for or against such progress? The first we shall treat under the head of the *Criterion of Moral Progress* and the second under the head of the *Evidence for Moral Progress.*

DEFINITION OF PROGRESS

The term progress is used loosely for any sort of continuous change towards a terminus, end, or ideal. It is opposed to regress, or change in a reverse direction. The general term progress is then qualified in various ways, as when we speak of biological, economic, or moral progress. Thus it is generally thought that we have economic progress wherever there is increased command over the forces of nature for purposes of production, combined as it generally is with increased intelligence in utilizing the product for purposes of consumption. Such economic progress is undoubtedly a part—perhaps an indispensable part—of human progress as a whole; but is not in itself necessarily moral progress. In general, moral progress must include the idea of advance towards perfection in some sense, or the realization of the moral ideal, however it may be defined.

The distinction between the type of progress apparently demanded by morality and other types of progressive change is then rather clearly made and generally recognized. It would be generally admitted that biological progress does not *necessarily* include moral progress. Progressive adaptation to environment, development from simplicity to complexity of organization, are not necessarily progress, unless we assume that complexity has in itself a higher value than simplicity—an assumption for which there is no real ground. Again economic progress, in the sense of elaboration of the means of production or of the instruments of life, does not necessarily mean increase of moral good. Not only is it possible that "wealth may accumulate and men decay," but it is also possible that the mechanisms of life may get out of hand, that "things may be in the saddle and ride mankind." All this is fully recognized, and with it the fact that the criterion of moral progress must be found elsewhere.

Popular thought finds this criterion in the two notions of happiness and character. Are men happier now than they have been in the past? If so there has been progress. Or are men "better" than in the past? If so there is progress. In these two terms are implied obviously the two ethical ideals of happiness and virtue, and progress is determined by the degree of advance towards these ideals.

Now there can be no question that there is an element of truth in these popular notions. If social changes were progressively accompanied by increasing unhappiness we could scarcely speak of moral progress. Or again, if with social changes men became progressively worse, deteriorated in character, we could still less speak of human progress. But it is quite evident that in themselves these are unsatisfactory and inadequate criteria. It is easy to say that men are happier now than they were in primitive or even barbarous times, but it is extremely difficult to show that it is so. Pleasure and happiness are too subjective and relative to measure in any fashion; and to one who said that primitives, untouched by civilization, are happier than ourselves, it would be hard to make a convincing answer. The insuperable difficulties, recognized by Bentham, in adding the happiness of different subjects, make the use of happiness as a criterion of progress impossible also. It is likewise easy to say that men are better or more virtuous now than in earlier times, but for every evidence in that direction we are forced to admit the existence of other facts that point in a contrary direction. Civilization creates new virtues, but it also begets new vices. It is, accordingly, only when we pass from the subjective states and characters of individuals to the consideration of the norms or principles on which men are expected to act—the codes of duty and ideals of virtue that have grown up among us—that we gain any firm assurance of progress.

When we do pass to this more objective standpoint, we shall find, I think, both a satisfactory criterion and one for which empirical evidence can be brought. We may properly ask, whether the historical development of humanity discloses any trends in the direction of increasing and establishing the objective conditions of self-realization—whether in short, this movement is in the direction of "nobler modes of life, with sweeter manners and purer laws?" If this may be answered in the affirmative we have moral progress.

THE EVIDENCE FOR MORAL PROGRESS

The general position of historians and students of human culture may be described in the following way: The evidence for moral progress, in the sense that we have defined it, is not such as to demonstrate it but only to make it highly probable.

The reasons for the difficulties we find in establishing trends that may be definitely described as progress are twofold. In the first place, there is the difficulty already considered of the choice of the criterion. The criterion we have now accepted, although in the very nature of the case not so limited and definite as those in the narrower fields of biology and economics, is nevertheless objective and definite enough for our purpose. But there is also a second difficulty, namely the question of time. The historic time in which human progress is to be detected is to the time of biological evolution as five minutes are to twenty-four hours. Writers such as Havelock Ellis and Wiggam make much of this fact, pointing out that, when seen in a cosmic perspective, human evolution is too short to enable us to establish trends of the definiteness and constancy characteristic of biological evolution.

Both of these difficulties are real and ought not to be minimized. Nevertheless, it is possible, I think, to formulate the problem in such a way as to answer the question whether there has been moral progress with a reasonable degree of certainty. Any theory of progress would have first of all to establish trends in history—in the institutions, laws and ideals of men—and then seek, by some critical standard of comparative value, to determine whether, or how far, the direction of these trends corresponds with an upward movement in the scale of values. We have already our scale of values. We have also established certain trends in history in our studies in preceding chapters. It remains to bring these two together.

Stated in this fashion, the question whether there has been moral progress or not, is answerable, and I think answerable in the affirmative. If we assume the scale or system of values worked out in an earlier chapter [1]—and if we keep in mind the development of modes of life and laws to establish and conserve these values, we shall get, I think, an overwhelming impression of an upward movement and of a gain. From this point of view, the "progressive standard," spoken of in a previous chapter, becomes highly probable if not certain; and scepticism of moral progress becomes almost as gratuitous as the scepticism of standards themselves.

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[1] Chapter VIII.

We might take our evidence for this contention from any phase of morals we have studied—for instance, from the fields of rights and justice. He would be hypercritical indeed who did not see in the development of the principle of freedom, however formal and ineffective it may be at times, progress in the sense that we have defined it. To deny that the passage from status to free contract is moral progress, that the movement which transfers justice from the hands of the individual and the social group into those of society is a forward movement, would require considerable temerity. We shall, however, pass over evidence of this general sort and turn our attention to two specific fields of evidence: (1) the history of the two institutions we have studied, those of Property and the Family, and (2) the history of the Moral Ideal as expressed in the development of our concepts of character and of the virtues.

MORAL PROGRESS IN INSTITUTIONS

In our historical sketches of these two institutions we insisted that an unbiased study of their development gives us an overwhelming impression of a progress and a gain. One would be hard set indeed to prove that men are happier, or have more pleasure, in a society in which the norms of property are acknowledged, than in one in which property right in our sense had not yet emerged. But one would also have difficulty in proving that the modern man in his office, with the limitations which our modern life entails, has more pleasure than the primitive man roaming widely and eating and drinking without restraint. It can be shown, however, that with the development of the institution of private property, and of laws for its protection and control, the moral values, both of security and of self-realization, have been furthered, and the conditions for the realization of values, both organic and hyper-organic, increased. More than this, in the relatively short period of the historical development of the institution, there are many evidences that the true relations of the values of property to the other values of life are being increasingly realized. The persistent movement in the direction of just distribution, of extending the area of the values of property—the ever-increasing recognition both by conscience and in law, of the subordination of property to personality—are facts the meaning of which cannot be gainsaid.

The situation is similar in the case of the family. Here, too, if we apply the criterion we have chosen, we can not escape an overwhelming impression of a moral gain. The pleasures of the sex life are possibly keener among primitives than in the case of civilized man. The laxity of morals, in our modern sense, which accompanies earlier forms of family organization, may conceivably be interpreted as greater freedom than is possible under modern restraints. But if we grant the conception of moral value as self-realization, with all that it implies, the achievement of the permanent monogamous family, with its norms and laws, must be looked upon as progress. Even in the relatively short period of the historical development of this form, there appear to the discerning eye evidences of real progress. If the principle of treating every individual as an end in himself, and never as a means to an end, may be taken as a valid ethical norm, then even in the short historical period between the classical and modern times, progress in that direction is evident.

The society of modern Christendom, it is needless to say, is far enough from acting upon that norm, but in its conscience it recognizes the principle as it was not recognized in the ancient world. The legal investment of everyone with legal rights makes it impossible for anyone whose mind is open to the claims of others to ignore the wrong of treating a woman as the servant of his pleasures at the cost of her own degradation. Though the wrong is still habitually done, it is done under a rebuke of conscience to which a Greek of Aristotle's time, with most women about him in slavery, and without even the thought (to judge from the writings of the philosophers) of an ideal of society in which this should be otherwise, could be sensible. This sensibility could only arise in consequence of a change in the actual structure of society through which the human person, without distinction of sex, became the subject of rights. If all this is not moral progress, it is very difficult to understand what we can possibly mean by the term.

All this may be summarized in the following statement. The evidence for moral progress is to be found in the general tendency which we have elsewhere described as *the spiritual and ideal trend in institutions*.[1] As man's individual and social needs have become more developed and refined, as they have become more and more controlled by reflection, the functions of the institutions have become more spiritual and idealistic. We may state the situation in still another way. We may ask the question, what has been the direction of human evolution? And to this it is scarcely possible to give any other answer than the following: it has been in the direction of socializing, of humanizing and of rationalizing the life of man. If this does not constitute progress, then all the conceptions of the good and of the good life that we have developed must be completely changed.

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[1] Chapter XIII, p. 302.

PROGRESS IN THE MORAL IDEAL

Still more vivid is our impression of moral progress when we study the history of the ideal of the good man and of our notions of the virtuous life. Here again we should find difficulty in proving that individual men are better than they were, let us say among the Greeks, or even in earlier stages of development—better, that is, in the sense that they more constantly and consistently do what they think is right, better in the sense of increase of good will. But that is only because comparisons of that sort are, in the very nature of the case, impossible. What is clear, however, is that the idea of *what is right,* of what constitutes the good will, has increasingly broadened and deepened. There is no respect in which moral progress can be more clearly seen than in the deepening views men are led to take, not only of their duties but of their virtues.

This has been illustrated in a masterly manner by T. H. Green in that part of the *Prolegomena to Ethics* in which he contrasts the Greek with the modern conceptions of virtue. He takes up the two most prominent virtues recognized by the Greeks, courage and temperance, and shows how in modern times both the range of their application has been extended and the conception of the principle on which they rest has been deepened. With regard to temperance, for instance, he observes that the Greeks limited the application of this virtue to questions of food and drink and sexual intercourse; whereas in modern times we apply it to other forms of self-denial. He points out, moreover, that even with regard to those particular forms of self-indulgence which the Greeks recognized as vicious, the principles on which they rested the claim for self-denial were not so deep as ours. There is no place at which this appears so clearly as in the conceptions of virtue and vice connected with the life of sex. Granting as valid the ethical basis of the family developed in an earlier chapter, there can scarcely be any question that the movement of history has in the main been in the direction of its acceptance and realization. Despite some signs to the contrary, here, if anywhere, movement has been in the direction of "nobler modes of life, with sweeter manners and purer laws."

THE "PROGRESSIVE STANDARD" AND WHAT IT IMPLIES

In our answer to moral scepticism we attempted to show that the notion of a progressive standard is the only conception that *could* have authority. For our present purpose we may put this in another way. Morality presupposes the authority of conscience. But any real authority of conscience is possible only if there is moral progress. In this sense also, progress is a postulate of morality. But this notion of a progressive standard creates certain difficulties, and these we must now examine.

The illustration which we took of such a standard was the development from the wild man of Borneo, through the stage of nationalism, to the larger conception of a total humanity. In this development we discovered both continuity of underlying idea and increase of comprehensiveness, both of these ideas (of conservation and increase) being necessary to the idea of progress. But while to the deeper-seeing eye there is this progress, to those who live in a period of change and forward movement there is often nothing but contradiction and confusion. Indeed we may say that it is these very contradictions—between our customs and laws and the ideals not yet realized—these inner contradictions in our moral universe, that constitute the driving forces of moral progress.

In the period of passing from the institution of slavery to its complete abolishment, in the nineteenth century, there were certain transition stages which were marked by moral confusion and contradiction. When in the early part of the century the traffic in slaves on the high-seas was abolished by Great Britain and other leading nations, there were some, as for instance Spain, who still countenanced it. In this transition also the United States, while it outlawed the importation of slaves, still permitted coastwise traffic and the sale of slaves within the country. To the unthinking man the whole situation was one welter of confusion and hypocrisy. Those who still owned slaves and saw no evil in the custom, at the same time were often loud in their clamor for punishment of those who still imported them and thus broke the law. These were, of course, the birth pains of a new era, or the growing pains of progress, and they were far from pleasant.

It is for reasons of this sort that men have the greatest difficulty in establishing trends of progress or regress in their own times. Is the abolition of trade in intoxicating drink progress or regress? Whichever it may turn out to be, it has produced precisely the phenomena that attended the first steps of the abolition of slavery—conflict, confusion and hypocrisy. The sight of legislators publicly maintaining the law and violating it in private is not a pleasant one. The presence of wholesale corruption and bribery is frightening—the wide-spread confusion of mind as to what is right and what is wrong is dangerous to a degree. But it is at least comforting to know that the present situation merely repeats, on a large scale, the same moral and political phenomena which attended the abolition of slavery. All progress arises out of contradiction, and if we are, perhaps without our knowing it, in a forward movement of humanity, the present situation is precisely what we should expect.

MORAL PROGRESS AS A POSTULATE

The empirical evidence, when rightly approached and rightly interpreted, does then seem to indicate that there *has* been a moral progress in humanity, that man has, as we say, come a long way; and there seems to be good hope that in the future he will tread greater roads still. "The progress in which we had perhaps too readily believed," to use the words of Ferrero, "is not altogether a delusion."

But evidence for progress in the past has not been held by moral philosophers to be sufficient in itself to give meaning and validity to the moral life. The "law of progress" of which Herbert Spencer spoke, was conceived of, not merely as a generalization regarding the past, but as in some sense a prevision of the future—as something that characterizes the entire life of humanity, the social and historical process in time, much as the law of gravity characterizes the physical world, and as evolution characterizes the cosmic process.

It is quite common now to speak with scorn of this belief in "necessary progress," in a principle of progress which, as it is said, "would push things forward as automatically and inevitably as the principle of gravity pulls things downward." There is, it is said, no evidence for such a law of progress. We can no longer believe in progress as a fact, but only as a possibility. Such possibility of progress is, however, all that the moral life requires.

In considering this present attitude critically it is necessary to make certain important distinctions. If by *fact* is meant trends of progress in the past, there is, we have seen, good evidence for progress in that sense. What is meant here is that we have no evidence for progress in the future. Here all we have is possibility.

Now there is obviously no empirical evidence for a law of progress that includes the future also. No one can say with any certainty that the progress which we seem to see in the past will not begin to slacken "to-morrow," or perhaps has not already begun to halt. We may be going back without being aware of it. But no one can say with certainty that the sun will rise tomorrow. So far as empirical grounds are concerned, there is no evidence that today is not the last day of mortal life on this globe. The point is that there is *no empirical evidence for any principle that is universal, that includes the future as well as the past.* If we believe in what is called the principle of the uniformity of nature—that everything that happens in the future will have a cause or, as we say, be governed by law—it is not because we have any empirical evidence that this will be so. It is rather because we know that, if it is not so, physical science or knowledge is impossible. The situation is in principle the same in the case of the postulate or "law" of progress. If we believe that progress is necessary, it is only because we know that if it is not, moral effort is in the end meaningless and futile.

Many historians believe that history is impossible if there is no progress. By this they mean that unless we can find some general drift or tendency (towards a terminus or end) we cannot write history, but have merely a chronology of events. The essence of history is interpretation—that is, finding meaning in the temporal events; but meaning does not exist if there is no evolution or development. Human history is then a progressive development in some sense; otherwise it is "mere sound and fury signifying nothing." The assumption that history does signify something underlies all writing of history, and this is the same thing as saying that it is a progressive development in some sense. This is assumed either explicitly or implicitly by most historians.

MORAL PROGRESS AND PHILOSOPHIES OF HISTORY

Every theory of social action is, H. J. Laski has truly said, a philosophy of history. With equal truth it may be said that any philosophy of history is a theory of the nature and direction of human progress.

The philosophy of history which has had most influence on the moral life and thought of recent generations is undoubtedly that of Karl Marx. It is called the *Materialistic* philosophy of history. Marx believed in necessary progress, and he also believed that the direction of that progress could be determined. The two fundamental ideas of the Marxian philosophy of history are (a) the principle of economic determinism, and (b) that human history is in the direction of the increasing concentration of capital, and ultimately, through the intensification of the struggle between capital and labor, to the abolition of private property and the establishment of a socialistic society and state.

There can be no question that this theory of human progress has helped us greatly to interpret our present economic life. Despite certain errors of which we shall speak presently, "the development of the world has been sufficiently like his prophecy to prove him a man of very unusual penetration, but has not been sufficiently like to make either political or economic history exactly such as he predicted it to be." The "margin of error" in Marx's theory makes itself apparent at several important points. The increasing concentration of capital he predicted has taken place, but it has been offset by an increasing distribution, through various means, of this same capital to millions of small shareholders. The intensification of class war which he foresaw has not taken place in the measure predicted. It has been moderated, not only by the phenomenon just described, but by the fact that the very prediction itself brought to men's consciousness a set of facts which men, being free ceatures with rational selection, have consciously done a great deal to change.

A certain limited power of prediction was then, despite the serious margin of error, possible on this theory of history. In so far as the purely economic side of the process was concerned, trends could be predicted because, as we have repeatedly seen, the economic process, when viewed as abstracted from the total life of man, is itself largely mechanical. But such prediction becomes wholly impossible when what are called the "imponderables" of human life enter in. The chief of these imponderables is precisely the fact that the very laws, on the basis of which we predict, are themselves altered when we become conscious of them.

Such facts, however, make impossible such a theory as that of Marx's, either as a conception of progress or an ultimate philosophy of history. Any adequate philosophy of history must allow more fully for the place and function of consciousness and its ideals as historical "causes." Economic systems determine to a degree both institutions and ideals, but ideals modify and determine economic systems. It is equally clear that a process, such as that described by Marx, could not be progress in any moral sense of the term. From such purely economic changes we can no more infer moral progress necessarily, than we can infer it from the movement from simplicity to complexity which characterizes the process of evolution in the biological world.

THE IDEALISTIC PHILOSOPHY OF HISTORY

It is unnecessary at the present time to press the argument against this materialistic philosophy of history. It is generally recognized, by both historians and economists, that the theory of economic determinism does violence to the facts of human history. Its valuable contributions are not denied. From the standpoint of history, the value of the principle of economic determinism has shown itself in the fact that we can understand political institutions better if we see them in relation to economic conditions. From the standpoint of ethics, its value has consisted, as has already been pointed out, in the fact that the moral life of man is in a very real sense conditioned by his economic life. But when all this is admitted, it still remains true that ideas and conscious purpose are true causes. As Laski says, "Ideologies produce economic systems, just as economic systems produce ideologies. The communist emphasizes the second but he is too little willing to see the possible consequences of the first." It is even probably true that Marx himself recognized the limits within which his theory applied. In any case, an economic philosophy of history must be supplemented by an *idealistic*.

Idealistic philosophies of history emphasize the rôle of ideas in history, both as causes of historic movements and as the means of interpreting the significance of these movements. In a broad way, philosophies of history have in general been idealistic. But in modern times they are mainly the product of Kant and the post-Kantian philosophy, especially that of Hegel. Karl Marx himself was a pupil of Hegel and got his idea of a philosophy of history from that source. It was really the Hegelian idea turned upside down.

According to the idealistic view, history has no meaning unless it is viewed as a progress—more particularly a moral progress. Progress, in its turn, has no meaning unless it is viewed as the realization of certain ideals and values in the temporal life of men, both in individuals and in institutions. Those who hold this view are in no doubt as to what these ideals or values are. Various terms have been used to characterize them, but all mean in the end the same thing. The meaning of history is sometimes said to be the development of human personality to the highest point. It is said to be the self-forming of humanity and, since this self-forming means self-determination, the history of progress is, in Hegel's words, the consciousness of freedom. It has been said to be the development of the spiritual content of life, the attainment of a standpoint from which every individual wills in accordance with social and over-individual values. From the point of view of our present discussion, the difference in terms signifies little, for all mean in principle the same thing, namely an upward movement in the scale of values which we have found to be normal to the valuing consciousness of man.

This then, according to this philosophy of history, is the meaning of the historical process. It is important also to realize that some such conception of history is inescapable to anyone who does not accept the materialistic theory with its economic determinism. These are the ideals or values that are the ultimate driving forces of history.

It is becoming increasingly clear to historians themselves that it is really impossible to write history without some philosophy of history, some theory of progress expressed or implied. We may suppose, as historians, that we are, as we say, merely describing the facts. But the moment we select our facts from the infinite number of actual happenings we select them according to some assumption as to their "importance" or significance; and this requires the further assumption that history is moving to some end or goal. Most historians select their facts without any clear consciousness of the assumptions underlying the selection. The more critical and self-conscious become aware of what they are really doing, and then develop a philosophy of history. Economic interpretations of history select their facts on the basis of one assumption. Cultural and spiritualistic interpretations on the basis of another. Which of these principles is ultimate, or, if they are both present in the historical process, how they are related, is not the problem of the historian but of the philosophy of history.[1]

HUMAN PROGRESS AND THE PHYSICAL UNIVERSE

There remains still a problem to consider without which this entire philosophical discussion of "progress" would be wholly incomplete. It is quite possible that the reality of progress may be the necessary postulate of the moral life if it is to have an ultimate meaning. It is quite possible that human history may give us an impression of a progress and a gain. But the postulate may be ultimately an illusion, and the impression merely an impression which a wider scientific perspective would correct.

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[1] The student interested in these questions will find a suggestive and valuable treatment of this subject, in F. M. Fling's *The Writing of History*, especially Chapter VII.

There are certain thinkers who hold that the idea of continuous human progress is such an appearance and illusion. In proof of their position they appeal to what is supposed to be a fundamental fact or law of the physical universe—the law of degradation of energy as it is called. According to this law it is supposed that, like a clock, the energy of the universe is running down, and that we can predict with certainty, or at least with a high degree of probability, that in a future, far distant to be sure, the heat radiated from the sun will have become dissipated throughout the universe, our earth will become cold, the conditions of life will disappear, and life itself, with all its values and ideals, vanish without a trace. We are even told that we must build our lives on "the firm foundations of despair," a despair which such a view is supposed to make inevitable to a sensitive mind.

An outstanding representative of this position is the historian, Mr. Henry Adams. In a well-known book,[1] he tells us that "the universe has been terribly narrowed by thermodynamics." Already history and sociology "gasp for breath." The life-blood of history (and of all the humanistic sciences) has been the postulation of a law of progress. For Henry Adams, however, the acceptance of this law of thermodynamics—of the principle of the degradation of energy, with its implications of a universe that is running down—means that there can not be progress, increase of value, in any ultimate sense, and that, therefore, the postulate upon which, not only moral effort, but all historical interpretation of moral effort is based, is an illusion.

Professor Bury, in his book on *The Idea of Progress,* takes this situation into account. "As time is the very condition of the possibility of progress," he writes, "it is obvious that progress would be valueless if there were any cogent reasons for supposing that the time at the disposal of humanity is likely to reach a limit in the near future." But he thinks that there is no incompatibility between the law of progress and the law of degradation, because the possibility of progress is guaranteed by the high probability, based upon scientific calculation, of virtually infinite time to progress in. This view is, however, little satisfying to most thinkers. From a purely pragmatic point of view, it is undoubtedly true that the idea of progress would still "appeal to our emotions," as Bury says, even if we knew that in the end it would come to nothing, provided the debacle were far enough off. But it is doubtful whether such progress would have any ultimate value to our moral *reason.* It would have been, after all, really an illusion, an "impression of progress," as one writer puts it. The reality behind the illusion would be a steady diminution of value, ending finally in universal death. Even if the possibility of progress is guaranteed for myriads of years to come, the certainty of ultimate failure would dwarf those years into insignificance. There is one thing that remains forever intolerable, though its realization was thought of as thousands of myriads of years distant; it is the thought that humanity with all its intellectual and moral toil will vanish without a trace, and that not even a memory will be left in any mind. The drafts which we make on our moral postulates cannot be estimated in years, however loosely we play with them. The "world bank" is the one bank of which it may be said, that if it is ultimately insolvent it has always been so.

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[1] *The Degradation of Democratic Dogma,* p. 261.

The problem here is in principle similar to that presented in our examination of the postulate of free will. There the question was, does scientific knowledge make the postulate of freedom impossible? Here the question is, does scientific knowledge make the postulate of progress an illusion? Our answer must of necessity take lines similar to those which we followed in the preceding case. What does science say on this question? What does philosophy?

An adequate answer to these questions would require much more far-reaching study than we can give here. Only suggestions are possible. So far as science is concerned, it may be said, however, that the position here described is now recognized to have been based on premises that are not necessarily true. Briefly, it was assumed that the principle of degradation which holds for limited energy systems, could be extended to the world system. And it is now recognized that such an extension is, to say the least, doubtful. The present state of physics in this matter is unsettled, and a satisfactory discussion of the *pros* and *cons* of the question would take us too far afield. It must suffice to say that the entire inference, or prediction as it is sometimes supposed to be, seems to rest upon (a) the assumption that the universe is infinite and that the energy of the universe is lost in infinite space; and (b) that there are no other sources of energy as yet unknown. Both of these assumptions are at least questionable at the present time, and this so-called prediction is in no sense one that can be brought to the bar of empirical evidence.

Philosophers naturally approach the question from a different standpoint, and insist upon taking into account a larger range of facts and ideas. They are likely to insist upon the fact that physical science is built upon an abstraction, and to suggest, with Lotze and others, "that we should not credit as a prophetic announcement with regard to the future, the ingenious calculations which draw conclusions as to the final state of the world from our experimental knowledge of the economy of heat." They are inclined to insist upon the symbolic character of physical science, that we must not take these symbols too seriously and infer from the "degradation of energy" the degradation of the world-system as well. They are inclined to think that, "to pretend to speak for the universe in terms of the narrow and abstract predictions of physics and astronomy, is to betray a bias of mind that is provincial."[1]

The general position may, perhaps, be summed up in the following way. Our actual knowledge is not of such a character as to disprove the possibility of progress. The postulate of progress, in the sense of increase and conservation of values, is, however, so basic to the moral life that we are justified in making it a pillar in our philosophy of life and the world.

CONCLUSION. PRACTICAL APPLICATIONS

Scepticism regarding moral progress is more or less the fashion now-a-days. It is but part of the general wave of moral scepticism that has spread over the world since the World War.

In so far as it constitutes a reaction against fatuous notions of progress in which we too easily believed, it is a healthy sign. Disillusionment concerning the automatic progress brought about by science and invention, was about due, and was even necessary, if intelligent notions of progress were to be possible. But the scepticism and the reaction may easily go too far and result in ideas equally unintelligent and misleading. This has happened, I think, in the now popular slogan, that progress is not a fact but only a possibility.

In the first place, we have lost our faith in progress much too easily. Tolstoy lost his faith as a result of two events that made a great and lasting impression upon him, the death of his brother in great agony and the witnessing of an execution in Paris. "I understood, not with my reason but with my whole being, that no theory of progress could justify those happenings." Many have become sceptical for no better reasons, their scepticism being a matter of emotional reaction, rather than of reason and weighing of evidence.

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[1] R. B. Perry, *Present Tendencies in Philosophy*, p. 347.

In the second place, many have taken up with the idea that progress is only a possibility and not an actuality, without considering sufficiently what is involved in such a notion.[1] It is obvious that the idea of an automatic progress, when conceived mechanically, takes the life out of moral effort. Marx was once asked why, if he held that capitalism must necessarily break up and pass over into socialism, he should make such emotional appeals to the proletariat as in the *Communist Manifesto*. The same result would come anyway. His answer was sincere enough: I don't know. Perhaps the process may be hastened a little. On the other hand, it is just as true that it is difficult to work for human progress, if that progress is not somehow in the very nature of things. In any case, those who have worked with the best wills are those who believe that their labor is in line with some *nisus* or drive in the very heart of things—with some power, not ourselves, that makes for righteousness—those, in short, who "doubt not that through the ages some increasing purpose runs." Why this is so we shall see more clearly in the next chapter.

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[1] This idea has been expressed by many men and in many forms. Only recently it has been given popular expression in an address by President Glenn Frank before the University of Wisconsin, in which he contrasted the new liberalism with the old liberalism. The old liberalism was characterized by the dogmas of universal intelligence, of automatic progress, the dogma of freedom through scientific inventions. The new liberalism discards all these dogmas. So far as progress is concerned, "it is not automatic. It is a difficult achievement. It is a car to ride in, a campaign to be carried on by prophets, pioneers, teachers, etc."

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CHAPTER XIX

MORALITY AND RELIGION
ETHICAL VALUES AND BELIEF IN GOD

THE RELATION OF ETHICS TO RELIGION

Moral philosophers have always recognized the close relation of morals to religion. No one familiar with the history of mankind can doubt that these two phases of our experience constitute the warp and woof of a web of human life and culture which it is extraordinarily difficult to disentangle. But while all are agreed as to their close relations, not all are at one as to the necessity and inner nature of these relations. There are some who believe that this age-old connection will in time be severed and who, like the philosopher Guyau, foresee an "irreligion of the future." There are others—and these perhaps the greater number—who hold that such expectations are without foundation, and that the close historical connection between religion and morals corresponds to an inner, necessary, logical relation. This belief has been expressed in various ways from the beginning of philosophical thought. In the terms of Kant, the existence or reality of God is a necessary postulate of morals.

THE NATURE OF THE HISTORICAL RELATION

The nature of the historical connection is abundantly clear. Morality has uniformly appealed to religion for its authority and sanctions. Among primitive peoples custom is the lord of all their life, and these customs are almost universally referred to divine beings for their origin and sanction. Looking back, we may think to find their source in the more lowly exigencies of utility and survival, but to the moral subjects themselves their origin was divine and to this origin they attributed their authority and validity. The situation is no different in principle when we come to the level of development characterized by codified law. It is not an accident that the great historic codes of law, such as those of Moses, of Solon, of Lycurgus or of Zoroaster, while "given by" individuals, are thought to have their ultimate source in the will of God. Even when laws, both moral and legal, have come to be recognized as "laws of nature," they are still thought of as laws of God—the creator of nature—and to have an authority which no legal enactments of man can affect. Finally, on the reflective level the voice of conscience is felt to be the voice of God, and the instinct for perfection within us a witness to that "perfect being," or God, from whom it comes. In the words of Emerson, it is "the fine innuendo by which the soul makes its immortal claim."

This connection between morals and religion on the reflective level leads us to the recognition of another aspect of their general interrelation. If morality has constantly appealed to religion for its sanctions, it has at the same time exercised a constant criticism on religion. Religion in its primitive forms was not only often unmoral, but distinctly immoral from the standpoint of later levels of morality. There is scarcely a crime or a vice for which religious sanction has not at some time and in some place been claimed, and the pictures of the gods men have formed at one stage of their development arouse their indignation and shame at a later period. Xenophanes' ridicule of the anthropomorphic and immoral conceptions and stories of the Greek gods is but a special case of a constant tendency in all the great historic religions. Nietzsche expressed this vividly in his famous epigram: "He who loveth his god chasteneth him"—and it is true to this extent that those who love God—the inspired prophets of the more ethical religions—are constantly chastising and purifying men's ideas of God.

MORALITY AND RELIGION INTERDEPENDENT

The general conclusion to be drawn from this brief survey of the historical connections of morality and religion is, that in all probability they are in some way dependent upon one another. Let us see if we can express this interdependence in a way that will bring out their true relations.

The dependence of morality on religion, although real enough, has sometimes been stated in ways that can scarcely be maintained. It is sometimes said that for a man to be moral he must also be religious—that is, that there is a necessary *psychological* relation between the good will and belief in God. It is, however, easy to point out that there are many people who do their duty and are naturally good and decent who have very little religion or none at all. It is also possible to point to people who are religious but not very moral. The truth is, of course, that a large part of moral conduct is a matter of social convention and of social habit and sentiment. Even if morality and religion were in some way inseparably connected, it would be psychologically possible for morality and the feeling of moral obligation to continue, both in the individual and in society, long after belief in a religious basis of morality had passed. It would be possible for men to live on the acquired values of the past. It is doubtful whether this independence of morality of religion is possible in the long run, but it is certainly not true to say that a man cannot be good without being religious.

It seems probable, then, that in some subtle and obscure way morality is in the long run dependent upon religion in the broadest sense of the term. It seems also that in a very real sense religion is dependent upon ethics or morals. It is quite possible that religion and religious beliefs may grow up relatively independent of moral conduct and sentiment. One of the undoubted sources of religion is the fear or awe of the human mind before the great forces of nature. Again, there are those who see in magic the main source of religion, and these will insist upon the non-moral character of much of religion. All this is true, but when we turn from the obscure and difficult questions of the origin of religion, to the clearer and more certain field of its historical development, we see this dependence quite clearly manifest. The gods of men, when they emerge out of the mists of primitive origins, are already quite evidently the embodiment of their moral ideals, as well as the origin and sanction of their customs and codes. In the developed religions, moreover, the whole tendency is to slough off the non-moral elements and to make of Deity the embodiment of the highest ethical ideals of mankind.

We seem forced to the conclusion then that the relation of morality to religion is a much deeper one than that suggested either by anthropology and history or by psychology —that it is not merely an age-long connection between moral *tabu* and divine sanction, nor yet merely associations fixed by the pressure of social convention and education, but a *logical* relation which becomes clearer and clearer as we reflect on the assumptions or postulates of morality.

The kind of dependence I have in mind may be shown in the following way. Nietzsche has somewhere remarked that "the disappearance of the idea of God deprives the ideas of equality and justice of all justification." What Nietzsche means by this is, that the very ideas (ideals or norms) of equality presuppose that the world is a moral order, and not merely an order of "nature." Nature, as such, knows nothing of equality and justice. If there is not a moral order, transcending the order of nature, then there is no logical justification for these ideas. Obviously Nietzsche is here merely saying in a negative way what Kant and others have put in a more positive form—namely that the fundamental ideas of morality—as we know it—imply for their justification the idea of God.

Here, as at many points, Nietzsche saw more clearly than many of his contemporaries. Nietzsche believed that the idea of God was dying if not dead. What he wanted to do was to hasten its death. As a radical aristocrat, and a believer in the idea that the good is identical with power, he hated all ideas of equality and justice. He wished to deprive these ideas of all justification, and to erect new tables which would give a romantic justification to the ethics of force. These he saw were inevitably bound up with the atheistic view of the universe.

We may say then without hesitation, that the interdependence of morality and religion is not merely a psychological and historical relation, but one that is essentially *logical* in character. What is meant by this may be expressed in the following way. When we think out what is implied in moral conduct and moral judgments, we are led necessarily to a view of the world or universe which is, in principle at least, the same as that which is held by reflective religion. In other words, we are led to postulate the reality of what the religionist calls God.

Baron Von Hügel has put this relation in the following way. "Everyone who believes fully in anything at all, be it the obligation to truthfulness, in the more than utilitarian worth of his wife's or daughter's chastity, even in the more than empirical worth of natural science, believes that these things are part of a moral order" and, as he continues, "in the more than human character of this moral order." The belief in God—in so far as it is a moral postulate—amounts to this. Not only is it possible for humanity to realize its highest purposes in the world, but more than this, the world is so predisposed as to realize them; not a blind and external, but an inner purposeful necessity prevails in it; the natural order of the world is at bottom a moral order. Atheism would be the denial of such a faith—not of its demonstrability merely, but of its legitimacy; it would be the dogmatic assertion that there is no moral, but only a natural order of the world.

THE NATURE OF RELIGION. DEFINITION

These relations of morals and religion have been traced without any attempt to state just what religion is. But it is very important to make clear just what we mean by religion if we are to decide with any degree of certainty whether morals do imply religion—whether, if we think out what is implied in moral conduct and judgment, we are led to postulate the existence of the object of religion, or God. Whether we accept this line of argument or not, depends largely upon what we consider religion and God to be.

Now religion is one of the most difficult of all terms to define. The term is so general, the phenomena it covers so varied, that its meaning must inevitably be vague and hard to define. Yet we must, in the first instance at least, find some definition that will be broad enough to cover the most varied manifestations. When the question is approached from this angle, the definition arrived at is usually of the following general nature. Religion is the sense, or feeling, of dependence upon higher beings or powers.

This we will call our first definition of religion. And it does seem to cover, in a way at least, all the cases of religion we might be called upon to consider—from the lowliest primitive grovelling before his fetish, to the philosopher Kant in awe before the starry Heaven above and the moral law within—from the fleshly love of the savage for the power that makes his cows fat and his wives fruitful, to the intellectual love of Spinoza for a purely philosopher's God. It is because of this element of the feeling of dependence that many people hold that the essential of religion is prayer, although prayer may itself vary from self-centered petitions to a wholly selfless oneness with the Divine.

But the mere feeling of dependence is not the whole of religion. When we examine this attitude more closely we see that something more is implied than is explicit in the definition. The sense of dependence is always there, but it is dependence on a higher power *for something*—for the good things and the bad things of life, and ultimately for all those things which we call values.

In the case of the primitive man, the goods or values, for the source and the preservation of which he feels his dependence, are naturally only the primitive and bodily goods of life—the bodily values of which we spoke in an earlier chapter. The securing of food; mating and the making of a home; the training of children and the communal activities of the tribe connected with these functions (and with the preservation of the tribe itself, through fighting)—these are the goods in connection with which this dependence is felt. Writing of the Todas, W. H. R. Rivers says: "The lives of the people are largely devoted to their buffaloes . . . the ordinary operations of the dairy have become a religious ritual and ceremonies of a religious character accompany nearly every important incident in the lives of the buffaloes."[1]

This is religion on its lower levels. It is chiefly the primitive goods or values which men seek of their gods and for the preservation of which they seek divine aid. Prayer, which is in a sense the essence of religion, is at this stage wholly petitionary, and the petitions are wholly for goods of the kind described—for fruitfulness of herds and fields, for the fruitfulness of the women, for valor for the men in war and for victory over the enemies of the tribe. As man advances in his sense of values, it is of the higher values that he chiefly thinks. He comes to pray more for "spiritual" than for physical good, and often prayer ceases to be a matter of petition at all, but rather of communion with the source of all good. But the feeling of dependence on higher powers for the values of life remains the constant element in all forms of religion, from the lowest to the highest.

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[1] W. H. R. Rivers, *The Todas* (New York, 1906), p. 16 and p. 38.

This general characteristic of religion has been expressed by Hoeffding in his statement that *religion is belief in the conservation of values*. This we may take as our second definition. No more than the first, does this definition completely exhaust the nature of religion which, by the very reason of its relation with every aspect of our nature, can be exhausted in no single definition, and in this sense is then ultimately indefinable. It is, however, the definition of religion which brings out most clearly its relation to ethics, and it is with this relation that we are here concerned.

We have repeatedly seen that this principle of conservation of values comes into play constantly in our moral experience and thinking. One of the principles which determines our choice of one value over another, is that the permanent should be chosen over the transitory. Conservation, permanence, is a demand growing out of the very nature of value. Again we saw that it is difficult to give any meaning to the life of moral choice and effort, whether in the individual or the race, except on the assumption that there is progress or development towards perfection. But a part of the idea of progress is the conservation of the values already achieved. If the moral life were simply gathering water in a sieve, or rolling a stone up a hill, merely to have it roll back again, it would be essentially futile.

These things being so, it is only natural that part of the moral reason of man should be postulation of the conservation of values. It is only natural also that belief in this conservation of values—which is the very heart of religion—should bring religion very close to ethics.

IS RELIGION A MATTER OF FEELING OR REASON?

One more point is to be considered before we leave this question of the nature of religion. In the first definition we find religion defined as a sense or feeling; in the second as a belief. Now belief also contains an element of feeling; but as we examined this particular belief—in the conservation of values—more closely, we found that, when thought out, it involves also an element of reason.

This point is of the utmost importance. It is quite common nowadays to say that religion is a matter of feeling. This is said equally by those who value religion and those who depreciate it. The latter, by making it merely a matter of feeling, suppose that they may thus place it beyond the pale of rational and scientific discussion and make of it a matter of merely personal opinion. The former suppose that by removing it from the sphere of reason, they may save it from criticism and free it from the obligation of making any appeal to reason.

Both points of view are essentially fallacious and both are due to the same false assumption, namely a narrow conception of reason which identifies it with scientific method and abstracts it from the total life of man. Religion, on the reflective level at least, must include the *reasoned judgment* that the world, in which our values are and are to be realized, has a certain character or order. Not only must it be possible for humanity to realize its highest purposes in the world, but the world must be so predisposed as to realize them. In it must prevail, not a blind or external force, but inner purposeful necessity. This is a matter of reason, not of feeling.

THE "MORAL ARGUMENT" FOR THE EXISTENCE OF GOD

The close "logical" relation between morals and religion, developed in the preceding paragraphs, has been made the basis in philosophy for one of the classical arguments for the existence of God. It is called the argument from conscience, or the moral argument. The force of the argument is expressed by Wordsworth in his *Ode to Duty,* when he apostrophises Conscience as:

> "Stern Daughter of the Voice of God!
> O Duty! If that name thou love
> Who art a light to guide, a rod
> To check the erring, and reprove . . ."

This idea—that conscience is the voice of God, a witness in man of a moral order that transcends him—is as old as philosophic thought. We find it in Socrates' idea of the Daimon within him, so beautifully developed in Plato's Phædo. We find it in the Stoics and finally in Christian theology and philosophy, especially that of St. Thomas. The moral argument, thus developed from the nature of conscience, is a part, as it were, of the philosophic reason of the Western world.

Historically this moral argument was merely one strand in a tightly woven argument by which it was felt that the human reason could reach beyond the human to the Divine. It was held that reason could go beyond the human and the relative in several ways, but this was felt to be the chief way. Later, under the influence of criticism, it came to be thought of, as in Kant, as the only way. Let us examine this argument first and then consider its relation to other arguments.

The essentials of the moral argument—in its simplest form—is that conscience is a witness to the Divine; that our consciousness of moral values, as embodied in our sense of obligation or duty, in our acknowledgment of claims or rights, and in our ideal of self-hood or character, reflects a moral order that transcends the merely natural order, and which implies that both its origin and its consummation is in the Divine. In other words, conscience requires, both for the explanation of its ultimate origin and the interpretation or justification of its meaning, the postulate of the existence of God.

This argument, as we have seen, was historically more or less bound up with the formalistic theory of morals and the intuitionist theory of conscience. It is easy to see that if one believes that moral sense or moral axioms are innate, in the crude sense of inborn, one would naturally think of them as "implanted" in us, as it were, by the "Creator." It is also easy to see that if one holds, as did Kant, that the moral imperative is categorical and absolute and cannot be derived empirically, either by associations in the life of the individual or by natural selection in the life of the race, he would naturally look to some transcendental source for its explanation and interpretation. It is natural, therefore, for the student to think that this argument is bound up with formalism and intuitionism, and that with the criticism of the latter the argument itself looses force. Such an inference, although natural, is nevertheless erroneous. The argument is equally implied in a teleological or perfectionist view, as indeed Kant himself saw.

We may say then, without hesitation, that the moral argument is independent of any particular ethical theory of the nature and locus of the good. The real doubts regarding it arise from a quite different source. It is the empirical and evolutionary account of conscience which raises the question as to whether it witnesses to any reality beyond ourselves.

In an earlier connection, the question was asked: Do we destroy conscience if we make it a relative and historical reality? We have now a parallel question: Do we destroy the force or validity of the moral argument, from conscience, if we make of it a relative and historical reality? There can be no doubt that many think that this necessarily follows, just as many think that the evolutionary theory in general removes all necessity for any doctrine of creation. On the other hand, there is an increasing number of thoughtful men who do not believe that this is so. That which impresses them about our morality is, not so much its relativity as the continuity running through that relativity, and the "progressive standard" which the study of the historical process discloses. That which impresses them about man's conscience is not so much its functional relation to changing levels of social development, as its increasing witness to values that transcend himself. From these facts they find it difficult to infer anything but a power, not ourselves, that makes increasingly for righteousness, and an objective moral order of which our conscience is becoming increasingly aware. In other words, conscience corresponds to something in the objective environment of man to which it is difficult to give any other term then the well-worn but meaningful name of God.

The line of thought I have in mind has been expressed by William James in a simple, and perhaps somewhat crude way. Like many others in the past, he is impressed with the universality of the religious "instinct." He thinks that it would be passing strange if, it being true that wherever there is a fundamental drive or instinct in man, there is an objective correlate for it in the environment, there would be no such object for an instinct so universal and fundamental as the religious. In other words, it seems irrational to suppose that nature should evolve so useless, superfluous and illusory a thing. On such pragmatic principles it seems inconceivable that the "instinct for perfection" in man should have no reality to which it corresponds.

Since William James's time this same line of thought has been clarified and developed by a number of thinkers, until it may be said to constitute a really new statement of the old moral argument. I choose for presentation of it here a statement by Lord Balfour, although the same argument has been developed by many others. These men are impressed with the superfluous, useless, and illusory character of a large part of human values (including the moral values), on the hypothesis that they are the products of a merely naturalistic evolution. In their primitive forms, the moral sentiments are, perhaps, the products of natural selection. But "they have," as Balfour says, "by a kind of internal momentum, overpassed their primitive purpose. Made by nature for a natural object, they have developed along lines which are certainly independent of selection perhaps in opposition to it." This momentum, this *nisus* or drive in nature, which has produced not only Hamlet and the Ninth Symphony, but the Sermon on The Mount, is what we mean by God. For Balfour, not only is it difficult to maintain values in a Godless universe, but even more difficult to understand them. "Ethics," even to be understood, "must have its roots in the divine and in the divine must find its consummation."

THE MORAL ARGUMENT AND OTHER "THEISTIC PROOFS."

The moral argument—or more broadly stated, the argument from values, in its modern form—passes over necessarily into a causal argument or an argument that involves the question of ultimate origins. Historically, as we have seen, the argument from conscience was but one strand in a tightly woven argument by which human reason felt itself bound to the divine. Men were impressed with the fact that the idea of God, or of a "perfect being," was present in the human mind at all. It did not seem possible to such minds as those of Plato and Aristotle, of St. Anselm and St. Thomas, of Descartes and Leibnitz, that such an idea could be the "fictitious" creation of finite man, but could be explained only as coming from God himself. They were impressed with the demand of reason for a first cause, that should contain "eminently," as it was said, all the reality contained in the effects. You cannot get the "more" out of the "less," and only a Supreme Being, such as is conceived under the notion God, can really explain, or make intelligible, the origin and development of this universe with all its order and law. Moreover, the very order and adaptation found in the universe are evidences of purpose, and the idea of purpose is inseparable from intelligence or mind. It was the latter argument, from purpose or "design," as it was called, that weighed chiefly with the ordinary man; and it has been the weakening of this argument, not only by the criticism of Kant, but also as the result of evolutionary ideas in biology, that has led men chiefly to abandon the traditional line of arguent and to fall back upon the argument from conscience or from values.

This body of arguments—called the Theistic Proofs—remained relatively constant and impregnable until the scepticism of the eighteenth century. Both Hume and Kant put into final form a doubt of the validity of these rational arguments for the existence of God which had been gradually growing in men's minds since the development of modern physical science beginning with Gallileo. Kant himself, who believed profoundly in the existence of God, found himself forced to the conclusion that these famous historical arguments, which had been developed by the theoretical or logical reason, contained certain logical fallacies that made them untenable. In this respect, then, Kant's position was one of scientific agnosticism. He held that the merely scientific reason of man could not prove the existence of God, although he also held that it could not disprove it. On the other hand, he maintained that there is another side to man's nature and reason, the moral or practical, and that the evidence here is positive.

What has present-day philosophical thought to say on this question? It is not easy to answer this without going more extensively into philosophical and metaphysical thought than is possible in the limits of this chapter. It would not be unfair to say that this position, which we may describe as Kantian, is a very common one among thinking people today, and one held by many of the more philosophically-minded scientists. The distinguished electrician, Steinmetz, and the physicist, Millikan, have both expressed themselves publicly in this sense, and one finds in general this position implied in the pronouncements of many scientists when they venture upon questions of religion. Needless to say, many philosophers hold this position. On the other hand, there are large groups of philosophers who hold that the essentials of these historic proofs have never been actually refuted, but merely the forms in which they had been stated prior to Kant. When properly understood and restated in modern terms, they are still valid. Many others, especially the idealists who followed Hegel, believe that modern idealism gives us a more profound point of view from which these arguments can be reinterpreted and shown to be partial approaches, or rather perhaps partial aspects, of a more comprehensive and all embracing argument. At the same time that we establish the ultimately spiritual character of reality, we are establishing a philosophical basis for religion and belief in God.

The present writer believes that both of these contentions are true, namely that the historic proofs have not actually been refuted, and secondly that they may be reinterpreted from a more profound point of view. This whole problem involves, however, more advanced knowledge in philosophy than can be here assumed. The student interested in these questions will want to explore these fields of thought. Here we shall leave the question, and turn to a consideration of these same general questions under the less difficult head of the relation of religion to science.

RELIGION AND NATURAL SCIENCE. GOD AND EVOLUTION

The object of this chapter has been primarily to show the relation of morals to religion, how and why the existence of God has been supposed to be a necessary postulate of ethics—in short to develop this aspect of the philosophical side of ethics. But having started on this line of thought, our study would be incomplete if we did not include in our study some reference to the bearing of the natural sciences on this problem. As we found it impossible to discuss the postulates of freedom and progress without reference to the views of science as to the nature of the physical universe, so it is equally impossible to discuss the problem of the existence of God without reference to the assumptions and the results of the physical sciences.

In the earlier history of physical science it was quite generally held that the existence of God could be argued from the the facts and laws of the universe disclosed by science itself. Thus Newton, the founder of modern physics and cosmology, not only believed in the existence of God but that his existence could be argued from the necessity of an intelligent First Cause. It is still true that in the main those scientists that deal with the physical world alone are more or less inclined, like Newton, to the idea that the order and law manifest in the universe witnesses to some intelligence that is more than human. It is primarily naturalistic evolution, as we have defined it, that has seemed, at least to many, to weaken this view. It is true that on this question biologists and evolutionists generally have also differed widely. Thus Lamarck was as deeply convinced as Newton that God was the "first cause" of evolution, while Darwin, though made doubtful by his conception of the universe which the doctrine of "chance variations" seemed to imply, was merely agnostic in the matter. In the main, however, the general effect of older views of naturalistic evolution was in the direction of seeming to make the idea of God superfluous. In brief, what seemed before evolution to be explainable only on the assumption of a designing or purposive intelligence, seemed explainable now by merely natural causes, such as natural selection acting on chance variation.

To be sure, there were many thinkers including many biologists themselves, who, like Lamarck, did not believe that natural explanations of the transformations of species made unnecessary the postulate of God. A common way of expressing this was to say that evolution is the description of a method of creation and does not make unnecessary the idea of a creative and directive activity. But it remained true that, so long as evolution was conceived in the way common to the thought of the nineteenth century, the general tendency was to create the impression that, so far as the theoretical reason is concerned, the notion of God had become superfluous. It is the change in our notions regarding the nature of evolution itself that has recently changed the situation in a significant way.

This entire problem has been put into a new setting by the changing views of evolution itself. The "changing backgrounds" of ethics of which Carr speaks constitute also changing backgrounds for religion. The tendencies which we have observed in "Creative Evolution" and "Emergent Evolution"—towards the recognition of a level of mind (including self-hood and sociality as relations of selves) not reducible to lower levels—have at the same time brought with them a tendency to reconsider what must be the nature of the reality or process which shows this tendency or *nisus.* In any case we may say that there are many evolutionists who, far from finding evolution as now understood inimical to the belief in God, rather find, like C. Lloyd Morgan, the idea necessary in order to make the evolution process, as now understood, intelligible. In an earlier connection we noted the fact that present-day scientists and philosophers differ on this point. Some think of the values that appear on the higher levels of development as emerging with the human and disappearing if the human passes away. On the other hand, many believe that these values have a more than human significance—that throughout the entire course of evolution there has been an upward tendency, not only towards organization, but towards the creation and development of values. To believe this is, of course, to regard the world order as in some sense purposive or teleological, and that is to bring the old teleological argument back in a modern form. But it is also to hold that values are in some way implicit in the entire process. In which case one can hardly avoid thinking of the *nisus* or tendency to organization, and to the creation of value, as evidence of an Intelligent Mind, in other words, God. In this case we have what is called Theistic Evolution.[1]

This is perhaps as far as we may profitably go in any attempt to present the present situation in science and philosophy. Further discussion would take us too far into the technicalities of the subject. To the general question, as to what science and philosophy has to say on the question, we may answer without hesitation that the general drift of thought is in favor of greater open mindedness towards those religious conceptions of life and the universe that receive their inspiration from the moral and spiritual life of man.

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[1] Chapter VI, p. 132.

THE NATURE OF GOD AS POSTULATED BY MORALS

But what, it may well be asked, is to be understood by the Divine or Deity thus seemingly postulated by morals? As we investigated the general relation of morals to religion before defining religion, so we have now attempted to give the force of the moral argument without defining clearly the notion of God, whose existence, according to this argument, is said to be implied by morality.

With the raising of this problem we are brought face to face with a very interesting situation in present-day thought. At the beginning of our study we pointed out that, while there are some who would dissociate morals from religion and believe that religion will become superfluous, by far the greater number of philosophers recognize some necessary relation between the two, not only historical and psychological, but logical as we have defined the term. Indeed the number of those who feel this is increasing rather than diminishing. But with the increasing sense of the dependence of morals on religion of some sort, there is also an increasing uncertainty, both as to the nature of the religion demanded by ethics and as to the character of Deity (if Deity is necessary), required by moral faith and endeavor. There are those who believe that a religion without a God is possible and that such a religion is adequate for the moral life. There are others who, while they believe that morality demands religion, and that religion without a God is inconceivable, yet define God, or present us with conceptions of God, so different from those which have ordinarily characterized religion in its higher and more developed forms, that we are often in doubt as to whether we are really talking about the same thing.

The first position can be dealt with rather briefly. The idea of a religion without a God seems—and I think rightly—something of a contradiction in terms to the ordinary mind. And yet, since there are thinkers who actually propose such a conception, it is worth our while to try to understand how it is possible. Those who hold this view at the present time call themselves Humanists. While differing in some ways from the "religion of humanity" of Comte, who sought to substitute the worship of humanity for the worship of God, modern Humanism is in principle the same. This position has developed out of two main sources. On the one hand, the study of psychology and the social sciences has impressed many with the ineradicable nature of religion, as a basic element in the psychic life of the individual, and as pragmatically a most important element in the social life of man. On the other hand, modern science, or what Walter Lippmann calls the "acids of modernity," seem to them to have eaten God out of the universe and left him only as a creation of the heart of man.

The peculiarly religious aspects of religion seem scarcely possible on such a conception. Worship of something that we know to be only our own creation, even if it be social rather than individual, is hardly conceivable. It is likely that if men do sincerely worship such a creation, such worship is really but a survival of older habits, or else in the moment of worship the object is really conceived as objective or transcendent. Nor do the ethical demands for which religion is postulated, seem to be any better satisfied. Not only can man not pray to such a conception, but it is doubtful whether it can afford the valor which the moral life demands. Humanism seems to be like a man who wants to have a watch without the mainspring that makes it go.

Let us turn now to those who, while not proposing a religion without a God, yet think of God in such a way as to make him quite other than the being that has been postulated by ethics and worshiped by religion in the past. Definition of what is understood by God is really important, for there can be no question that the developments of the last century have brought subtle changes in the ideas of many. There are those for whom evolutionary thinking has inevitably led to naturalistic and pantheistic conceptions of God. Many scientists now think of God as purely impersonal force, somehow inherent or immanent in the evolutionary process. Thus in a recent questionnaire on the religious views of scientists, few confessed themselves as atheists, but many admitted a purely impersonal conception of God. On the other hand, there are those, even among professed religionists, who think of God as a purely finite being, a part of nature, evolving as the rest of nature evolves, and a fellow struggler with us in the fight for truth, justice and beauty—in short the values of life.

It is not my purpose here to enter into these discussions over the nature of God, except in so far as the question of ethical postulates is concerned. Now it may be said, I think, that so far as the historical and psychological relations between morals and religion are concerned, it is probable that morals can be associated with almost any idea of God, if only the sense of dependence and the belief in the conservation of values is there. Certainly the history of religions seems to show that this is so. On the other hand, it seems equally clear that logically *the higher developments of morality are not consistent with any and every conception of God.* The same necessities of reason that compel us to clarify and purify our notions of the good, compel us also to change and purify our notions of God—if He is implied by the good. He who loveth his God chasteneth him.

That the higher developments of morality demand conceptions of Deity freed from the moral limitations of lower levels, has already been made clear. It seems equally clear that the grosser anthropomorphisms in our notions of God cannot withstand the purifying flame of the highest moral sense. But it is equally true that the higher reflective morality does not consort well with *inadequate* notions of God.

When once we realize that morality and moral relations are functions of the unique relations between persons in a hyperorganic social order, we can scarcely get much religious background for morality out of a conception of God which makes him merely the Life Force, still less from one that thinks of him merely as an all-pervasive energy. The God of the higher moral levels must be conceived as Mind, and probably as Person.

There can be no question, I think, that when we speak of "God" in the moral context we always have in mind a perfect being; perfect in the sense of possessing perfect knowledge, perfect power, and perfect goodness of holiness —yes and perfect beauty, in so far as we are developed enough to put beauty among the highest values. This is, I think, what we uniformly mean by God. It is certainly what the highest ethical religions have always meant. It was embodied in the moral command of Jesus; "Be ye also perfect, as your Father in Heaven is perfect."

Professor J. W. Hudson insists that "the idea of God must mean at least these things to be of any moral value whatever." This is perhaps an exaggeration in that, as we have seen, many lesser ideas of God have been, and still are, of value in the history of the race. But we may say at least this much: the idea of God must mean these things if it is to be of the highest and of enduring value. For "there are two main ways in which an idea of God becomes of moral significance: first, as a moral ideal towards which we may strive and second, if not this, at least as a power that in some way guarantees the triumph of righteousness. If God is a moral ideal, He must be thought of as possessing the qualities of moral perfection; perfection in knowledge, in goodness, in all that we found to make the immortal ideal of a perfect self; if on the other hand, He is to be thought of as a moral guarantee, again he must in some way involve the same indispensable moral characteristics, as the very source of the moral order that requires them. No being save one that means reason, goodness, beauty and power in their perfection can guarantee the triumph of such things in the world." [1]

It seems likely also that when we speak of God in a moral context we must also think of him in some sense as a person. The relations which religion conceives of as existing between man and the Divine are in themselves essentially personal, and to make them intelligible the Divine, as well as the human, must be personal. But there is a still stronger argument. If we admit any distinctions of value in the universe at all, any higher and lower, it seems impossible to doubt that the level of the human, with its characteristic category of self and personality, is the highest attained in the evolutionary process. It seems equally impossible to doubt that if there is a God at all, he cannot be less than personal, less than that which nature or the universe produces. God may indeed be supra-personal, more than that contemplated by our ideas of persons, but he certainly is not less.

Every serious thinker is of course more or less afraid of this term, which might seem to imply that he pictures the Deity in a too anthropomorphic form. And yet the thoughtful man must agree with Professor A. S. Eddington, that the reaction against the personal conception of God is unsound. He will agree that it is of the very essence of the unseen world that the conception of personality should dominate it. Force, energy, dimensions belong to the world of symbols; it is out of such conceptions that we have built up the external world of physics. What other conceptions have we? After exhausting physical methods we return to the inmost recesses of consciousness. [2]

The conception of God seemingly demanded by the developed moral consciousness of man is the traditional notion—which means merely that it is that idea of God which has been worked out in the long experience and thinking of the race. The modern man may have difficulty with this conception. He may have his difficulties in thinking of God as a person. He may have even greater difficulties in thinking of him as perfect and as all-powerful. But it should be remembered that, although there are special sources of difficulty in the knowledge and life of today, the same difficulties have, in principle, always been present, and all the great thinkers have been conscious of them. So far as our present task is concerned, we have sought to show merely why the existence of God has been thought to be postulated by morality and the notion of God seemingly necessitated by the more developed moral consciousness. The further problems raised by this discussion must of necessity be left to more advanced courses in philosophy.

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[1] *The Truths We Live By,* p. 164.

[2] *Science and the Unseen World,* p. 82.

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